



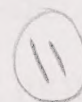
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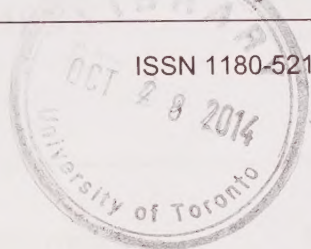
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Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 20 October 2014

Journal des débats (Hansard)

Lundi 20 octobre 2014

**Standing Committee on
General Government**

Organization

**Comité permanent des
affaires gouvernementales**

Organisation

Chair: Grant Crack
Clerk: Sylwia Przewdziecki

Président : Grant Crack
Greffière : Sylwia Przewdziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 20 October 2014

Lundi 20 octobre 2014

The committee met at 1406 in committee room 2.

ELECTION OF CHAIR

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Good afternoon, honourable members. Welcome to the Standing Committee on General Government. It is my duty at this time to call upon you to elect the Chair of the committee. Are there any nominations? Ms. Kiwala.

Ms. Sophie Kiwala: I'd like to nominate Grant Crack.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Does the member accept the nomination?

Mr. Grant Crack: Yes.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Are there any further nominations? There being no further nominations, I declare the nominations closed and Mr. Crack elected Chair of the committee.

Congratulations, Mr. Chair. If you would come and take the chair.

The Chair (Mr. Grant Crack): Thank you very much, Madam Clerk.

Thank you to the members of the committee for placing your confidence in me to help guide the committee through our legislative agenda over the session. I welcome you all.

ELECTION OF VICE-CHAIR

The Chair (Mr. Grant Crack): At this particular point, I would say, honourable members, that we need to entertain filling the position of Vice-Chair. Are there any nominations?

Mr. Mike Colle: Mr. Chair, I'd like to nominate Joe Dickson for Vice-Chair.

The Chair (Mr. Grant Crack): Are the members ready to vote on the motion? Those in favour? Any opposed? Carried.

Congratulations, Mr. Dickson.

APPOINTMENT OF SUBCOMMITTEE

The Chair (Mr. Grant Crack): We'll move to the business of appointing members to the subcommittee on committee business. Is there a motion to make appointments to members of the subcommittee?

Ms. Lisa M. Thompson: Chair, I would like to make a motion.

The Chair (Mr. Grant Crack): MPP Thompson.

Ms. Lisa M. Thompson: I move that a subcommittee on committee business be appointed to meet from time to time at the call of the Chair, or at the request of any member thereof, to consider and report to the committee on the business of the committee;

That the presence of all members of the subcommittee is necessary to constitute a meeting; and

That the subcommittee be composed of the following members: the Chair as Chair, Mr. Colle, Mr. Yurek and Mrs. Gretzky; and

That substitution be permitted on the subcommittee.

The Chair (Mr. Grant Crack): Thank you very much. Any discussion or comments?

There being none, I shall put the question on the motion. Shall the motion carry? None opposed? Carried.

BRIEFING

Ms. Lisa M. Thompson: Are we done?

The Chair (Mr. Grant Crack): We're not quite done—just some formal introductions here.

We have with us Sylwia Przewdziecki, who is the Clerk, and Jerry Richmond, who is legislative research counsel. At this time, with the committee's indulgence, I would ask perhaps if they would just address the committee to inform the new members, or some of the senior members as well, as to what their roles are. We'll start with the clerk.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Thank you. Good afternoon. Once again, my name is Sylwia Przewdzieski. Jerry and I will just take a couple of minutes to talk about this committee and then, at the end, we'll be happy to take any questions.

The Standing Committee on General Government is one of the so-called policy field committees, of which there are three. These receive the bulk of legislation introduced in the House, as well as any other matters referred by the House. The committee receives both government bills and private members' public bills, and these are usually referred to the committee after second reading. The committee's role is to examine the bills in detail to propose any amendments which, in the view of the committee, would improve the proposed legislation.

To this end, the committee may wish to conduct hearings to get input from the public.

By a mechanism under the standing orders, the policy field committees may also initiate studies of their own choosing within certain parameters, either by agreement or on proposal by one of their members.

The committee is assisted by a core staff that you will encounter at every meeting. Included in this core is me—I'm the Clerk—responsible for the administrative needs of the committee. I'm here to provide primarily non-partisan procedural advice to the Chair and to all members of the committee. My office will notify you of any upcoming meetings or subcommittee meetings, and will forward any relevant materials to you whenever possible ahead of the meeting.

You will all have received a committee resource binder. These were mailed to you in July. The binder outlines the committee's procedural and administrative practices, and contains some relevant background information on the committee.

My contact information is on the back page. I'm also happy to pass out my business cards. One small detail—and I can address this later—is that the email convention for assembly staff has changed. Whereas it was first name_last name@ontla.ola.org, it has been simplified to initial_of first name, last name@ola.org. So I am sprzedziecki@ola.org. I'll provide that information to you later.

Again, if you have any questions about a document, about the committee—anything at all—don't hesitate to contact me or my assistant, Trish Sarnicki. We both share a line, so when you call the number, you will likely get one of the two of us, and we'll be happy to assist you.

The committee is staffed by a research officer, and Jerry will speak to his role; also by a Hansard reporter, seated at the table to my right, who is working to produce the verbatim record of the meetings; and also by personnel from the broadcast and recording service, seated at the console behind me. They are the ones who turn on your microphones.

In room 151, where simultaneous interpretation is available, the committee is also staffed by a Hansard interpreter. When the committee considers legislation clause by clause, legislative counsel is also present at the meeting, usually seated to my right, between the Hansard reporter and myself.

I will leave it at that, as a very general overview. I'll pass it over to Jerry to say a few words about his role. Again, I'm happy to answer any questions at the end.

Mr. Jerry Richmond: Thank you, Sylwia, and congratulations, Chair. I'm very pleased to be here. I'm Jerry

Richmond, from the legislative research service. I happen to be an urban planner by training.

This committee deals with a diverse range of subject matters. What we normally do—if you were dealing with transportation or municipal, I would probably be the research officer, but we tend to substitute in other of our staffers, depending on the topic before you. In the audience we have one of my colleagues, Jim Elson, who is an engineer and a lawyer. So you may see some different faces up here.

The members who have been here at Queen's Park before—Mr. Dickson, Mr. Colle, Mr. Crack—one of the major policy items Sylwia mentioned that this committee looked at in the previous Parliament was the Aggregate Resources Act. Aggregate deals with sand, gravel and stone. The committee held a major effort—public hearings, travel—and the committee was very, very proud to reach a consensus agreement on the report, with 38 recommendations. I had the privilege of working with the committee on that report.

Our role in research, the returning members would know. For the new members, in terms of our committee functions, we on occasion draft reports at the committee's direction. When you're looking at bills, we would normally prepare bill summaries and summaries of the testimony before the committee. We can also prepare research memos for the committee or for any of the individual members on topics from A to Z. Those of you who have availed yourselves of the research service would know that; those of you who may not have used our services, we're here to serve and help you.

If I can answer any questions, as Sylwia said, I am willing to pass around my business card. We're also affiliated with the legislative library, and that really is a valuable resource here at Queen's Park.

I turn the floor back to the Chair.

The Chair (Mr. Grant Crack): Thank you. Are there any questions or comments for legislative research and/or the Clerk? If not, I would like to again thank you.

This is my second term of being Chair of general government, so I do have some experience. I will do my best to guide you and help to provide direction as we continue to move the legislative agenda forward for all Ontarians, right here in the general government committee.

I believe that will be the end of business for today. If I may have my gavel, Madam Clerk. This meeting is adjourned. Thank you very much.

The committee adjourned at 1417.

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STANDING COMMITTEE ON GENERAL GOVERNMENT

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Vice-Chair / Vice-Président

Mr. Joe Dickson (Ajax–Pickering L)

Mr. Mike Colle (Eglinton–Lawrence L)

Mr. Grant Crack (Glengarry–Prescott–Russell L)

Mr. Joe Dickson (Ajax–Pickering L)

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Ms. Ann Hoggarth (Barrie L)

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Mr. Jerry Richmond, research officer,
Research Services

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First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)



Thursday 30 October 2014

Journal des débats (Hansard)

Jeudi 30 octobre 2014

**Standing Committee on
General Government**

Stronger Workplaces
for a Stronger Economy Act, 2014

**Comité permanent des
affaires gouvernementales**

Loi de 2014 sur l'amélioration
du lieu de travail au service
d'une économie plus forte

Chair: Grant Crack
Clerk: Sylwia Przedziecki

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Thursday 30 October 2014

Jeudi 30 octobre 2014

*The committee met at 0901 in committee room 2.*STRONGER WORKPLACES
FOR A STRONGER ECONOMY ACT, 2014
LOI DE 2014 SUR L'AMÉLIORATION
DU LIEU DE TRAVAIL AU SERVICE
D'UNE ÉCONOMIE PLUS FORTE

Consideration of the following bill:

Bill 18, An Act to amend various statutes with respect to employment and labour / *Projet de loi 18, Loi modifiant diverses lois en ce qui concerne l'emploi et la main-d'œuvre.*

The Chair (Mr. Grant Crack): I'd like to call the meeting to order, and I'd like to welcome all members of the Standing Committee on General Government here this morning.

Before us is Bill 18, An Act to amend various statutes with respect to employment and labour. We have from 9 a.m. till 10:15 this morning to hear from witnesses and delegations who would like to present. The method we'll be using today will be five minutes to present, followed by three minutes from each party for questioning and comments.

HOME CARE ONTARIO

The Chair (Mr. Grant Crack): I understand that the first presenters are not here at this point, so we'll move directly to the Ontario Home Care Association. Sue VanderBent is the chief executive officer. If you are ready, I would appreciate your coming forward. Thank you very much. Welcome.

Ms. Sue VanderBent: Thank you. Good morning, ladies and gentlemen. It's a pleasure to be here with you this morning.

I want to start addressing issues related to Bill 18, Stronger Workplaces for a Stronger Economy Act, by saying that my board supports the intent of the bill. We think it's an important, progressive social policy that will protect vulnerable workers. However, the bill as it's currently structured could have unintended effects on the transforming health care system in Ontario, and it is to that issue that I am speaking to you today.

I would like to also tell you that the board of Home Care Ontario represents over 50 organizations that deliver care in Ontario, and we have diverse corporate tax

status in our membership. We have very small organizations, provincial organizations, national and actually even international organizations that belong to Home Care Ontario.

We believe that the way the bill is currently structured could compromise health and social care provided to Ontarians across the province. My members, who we know as home care service provider organizations, or SPOs, employ thousands of staff that are given assignments to provide service to their organizations' clients. These clients can include community care access centres, which you might know best, institutions such as hospitals, long-term-care facilities, retirement homes, hospices, group homes and assisted living facilities, as well as direct care to individual Ontarians. Individuals can retain service provider organizations to provide care within facility-based care, typically to supplement the care that they are already receiving.

The ability to retain services from a home care service provider organization is a very cost-effective way for the health system partners that we work with—so hospitals, long-term care, hospices, group homes—to meet the demands of the health care system 24 hours a day. By using the service provider organizations that operate fluidly in the Ontario health care sector, they are able to provide flexible, responsive service through an on-demand staffing without the cost of standby staff. Obviously, they would have their own staff, but on different types of days—holidays, when someone calls in sick—they're able to get this service and they are able to achieve service from registered nurses, therapists, personal support workers or home support workers. So they fill a very important role, and this isn't their only role, but it's an important one. In this time of fiscal restraint, this is also a critical issue in our health care system.

By working with a reputable service provider organization, both institutional clients and individuals are assured a standard of service that includes careful selection of staff, supervision and continuous education, adherence to Ontario's labour practices and occupational health and safety standards, and staff liability coverage that includes appropriate worker compensation insurance. To become members of Home Care Ontario, you must have WSIB coverage and adhere as well to our standards and to accreditation expectations.

It is most important to note that the ESA currently provides a specific exception that's applicable to the CCAC to the home care industry, and you can find that in

the ESA. So there is already an exemption there for CCAC, but I think what we've forgotten is the broader scope of these organizations and where they actually work within the entire health care system.

We do understand and support, as I said at the beginning, that Bill 18 is designed to protect the interests of the vulnerable worker. As responsible employers, Home Care Ontario service provider organizations fully support the protection of workers' rights to appropriate pay and safe working environments. However, these provisions in Bill 18 governing the Workplace Safety and Insurance Act can have serious potential for deterring the use of service provider organizations.

Because it proposes to remove the costs associated with a temporary worker's injury from the experience rating of the actual employer and place it with the client employer that is contracting with the temporary help agency, we would transfer liability, and this, we believe, also impinges on the true role of the employer in the broader Ontario marketplace.

The Chair (Mr. Grant Crack): Sorry about that. Thank you very much.

Ms. Sue VanderBent: Am I finished?

The Chair (Mr. Grant Crack): Yes, we're over the five minutes, but maybe some questions could be sent your way to help you.

Ms. Sue VanderBent: All right. We are proposing some options, so we think that might be useful.

The Chair (Mr. Grant Crack): Thank you very much. Unfortunately, as Chair, I have to keep the timelines according to the agenda.

Ms. Sue VanderBent: I know.

The Chair (Mr. Grant Crack): With the approval of the committee, we'll do a rotation. We'll start with the official opposition, then the NDP third party and Liberal, and then we'll switch it up for the next presenter as well.

Mr. Hillier?

Mr. Randy Hillier: Thank you very much. I just want to ask a couple of questions.

Do you feel that you were adequately heard and had discussions with the Ministry of Labour in the development of this bill?

Ms. Sue VanderBent: Yes. We've had very good meetings with the Ministry of Labour and with the Ministry of Health about the bill, and we've given them our concerns.

Mr. Randy Hillier: Okay, but clearly they haven't been fully addressed, your concerns, in the present bill. You've got a number of options here that you think are important to be reconsidered.

Ms. Sue VanderBent: Yes.

Mr. Randy Hillier: I'll maybe just say this: Clearly, you've got some concerns with WSIB, but also just with some of the restrictions that are going to be placed—or less flexibility, I guess, in the workplace. You're looking for an exemption for home care, but I'm sure that your seeking greater latitude or greater flexibility, or protecting greater flexibility, is something where most other industries or most other employer groups would also be seeking the same thing.

Ms. Sue VanderBent: Yes.

Mr. Randy Hillier: Okay. So it's not just an exemption—I would imagine if we talked to anybody in any business, reducing flexibility is a concern for everybody.

Ms. Sue VanderBent: Yes.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier.

We'll move to Mr. Mantha from the NDP third party.

0910

Mr. Michael Mantha: I'd be very interested to hear in regards to where you were finishing off, the options that you had talked about. I would be very interested in hearing that, so take your time and give us that information, please.

Ms. Sue VanderBent: They are on page 3 of the document that I gave you.

The first option would be to expressly exempt home care service provider organizations from the bill, and that would ensure that there would be no disruption to the supply of staff available to support facility-based health care. There would be a need to establish criteria to define service provider organizations, and other organizations such as community supports would have to probably be identified for exemption.

Option 2, which is our preferred option, would be to remove the provisions governing the WSIA that appear in schedule 5. This would reduce the potential implementation challenges that I spoke about around the transfer of costs. It would allow the complex issue—and we know it's complex—of WSIB cost management to be addressed as a separate issue, and it doesn't delay the implementation, the social policy, of the bill.

The third is to modify the definition of "temporary health agency" to exclude home care provider organizations. We believe this would require an expert group to support the government, and we would be willing to do that and would be supportive of that, and an amendment expressing this intent would be required.

So to not significantly disrupt the passage of the bill, option 2 is the one that we would recommend.

Mr. Michael Mantha: You talked a little bit earlier about compromising care. Is that actually going to result in a reduction of workers that are going to be available?

Ms. Sue VanderBent: No. The reduction of the care could happen if a health care facility decided that because the transfer of this liability was too great a burden for them to bear, they might not utilize the services of a service provider organization, and therefore the client could experience reduced care. So it is about this transfer of liability, which we don't think is necessary when you're purchasing care from organizations that are reputable and that manage their staff and look after their occupational health and safety issues.

Mr. Michael Mantha: And do you see the transfer of the liability on to the worker rather than the employer as a difficulty?

Ms. Sue VanderBent: The transfer is from the service provider who places the employee into the new place, the

client employer, and it is the client employer that would bear the WSIB risk.

I can certainly see this for organizations where we do have vulnerable workers who do not have proper reputable employers, but this is not the case in the home care world, where we have legitimate and reputable organizations that do look after their workers. They send their supervisory staff to go in and say, "What is the area that my staff is going to be working in, and what are any occupational health and safety hazards that they might have?"

Mr. Michael Mantha: Thank you.

The Chair (Mr. Grant Crack): Thank you very much.

We'll move to the government side: Ms. Hoggarth.

Ms. Ann Hoggarth: When your members send workers in to client employers, what do clients know about the workers, the individual workers, and is it uniform across this country?

Ms. Sue VanderBent: Well, generally speaking, there's often a good long-term relationship between, let's say, a hospital and different service provider organizations, so they do know the staff that are going in. Often it's the same person or similar types of persons, but they have a working relationship in terms of the kinds of staff that they need in different kinds of situations. Obviously, if it was someone going on to a medical ward or an emergency ward, they'd be looking for a skill set or competencies that the staff would have. So it's very much a matching. You would have to match the right person to go into whatever environment: long-term care, a retirement home, or a hospice. So it is a careful matching between the service provider organization and the organization that's employing the service provider organization to bring in their staff.

The Chair (Mr. Grant Crack): Okay, thank you.

Ms. Sophie Kiwala: Chair, do we have more time?

The Chair (Mr. Grant Crack): Yes. There's another minute and a half.

Ms. Sophie Kiwala: Okay. Can you explain the different kinds of services that your members want?

Ms. Sue VanderBent: In terms of staffing: nurses, personal support workers trained in various areas, therapies—the therapies would be physiotherapy, occupational therapy, social work, dietitian and speech and language—and home support, more companion care. That's the other level of care below the skill set of the personal support worker, who does bathing and feeding and transferring care. A companion might be someone who would sit with someone in a retirement home and read to them or take them for a walk around and just be with them, that sort of thing. There's a gradient of skill sets and competencies that the service provider organization has.

Of course, they also do work under contract to CCACs, which is probably what people know the most.

The Chair (Mr. Grant Crack): Twenty seconds.

Ms. Sophie Kiwala: Can you talk a little bit about any of the special care that you might be able to provide in a home care situation?

Ms. Sue VanderBent: In a palliative situation, you could actually employ our least-skilled workers, somebody to be a companion, to sit beside the bed. You could also be employing a very high-skilled nurse to be monitoring an IV drip. You could have a range, and it would really depend on your patient in the hospice and what the hospice really needed, because they would be the employer and they'd be asking for the care to come in. But you could also, as a private individual, hire your own care.

The Chair (Mr. Grant Crack): Thank you very much. I really appreciate you coming before the committee. That's all the time we have for the presentation, so thank you very much for your insight.

Ms. Sue VanderBent: Thank you very much, ladies and gentlemen.

CANADIAN MANUFACTURERS AND EXPORTERS

The Chair (Mr. Grant Crack): We'll move to the Canadian Manufacturers and Exporters. I think we have three individuals with us today. For time, I'll just allow you to introduce yourselves. Welcome to the committee, and welcome to Queen's Park.

Mr. Ian Howcroft: Thank you very much, Chair, and good morning, everyone. My name is Ian Howcroft, and I'm vice-president of Canadian Manufacturers and Exporters. With me is Paul Clipsham, our director of policy and Maria Marchese, who is our director of workers' compensation health and safety policy.

We're very pleased to be here. Just a little bit about CME: We're a national trade association that represents all sizes of manufacturers from all sectors of the economy. Our members produce approximately 75% of Ontario's manufacturing output and about 80% of exports. I also want to note that we have designated October as manufacturing month because of the importance it plays in the economy, with almost 800,000 direct jobs and 1.5 million indirect jobs. Wages in manufacturing are about 16% higher than the provincial average, and our members are responsible for about 80% of the private sector R&D.

We've also just issued our management issues survey results, and one of the key challenges that have been presented again is the ongoing and increasing regulatory burden. We see some of this in Bill 18, which we'll talk about.

Like the first presenter, we support the intent and goals of what's trying to be achieved through the bill, but we see a lot of problems with the way it's currently drafted, particularly around unintended consequences and, again, the ongoing cumulative impact of regulatory burdens.

We will talk about some specific recommendations we would like. We'll start with the workers' compensation issues, and I'll turn that over to Maria Marchese.

Ms. Maria Marchese: Thank you. Bill 18 introduces significant changes to the Workplace Safety and Insur-

ance Act, which we believe will have a profound impact on the temporary agencies' experience rating performance, the client employer's experience rating position and the WSIB's revenue base. The amendment of concern pertains to the proposed allocation of workplace insurance costs to a temporary help agency client rather than the temporary help agency when an agency's employee is injured at a client's workplace. That's schedule 5.

0920

As expressed in the expert opinion that was obtained from Ted Nixon, actuary, which will be presented this afternoon by the Ontario Business Coalition, the proposed approach of crediting workers' compensation premiums to one employer while charging the actual claims costs in respect of the same workforce to another employer is contrary to insurance principles.

As explained by Mr. Nixon, under the experience rating system, actual cost experience is compared with expected cost experience of the same employer's insured workforce. Actuarial insurance techniques are used to refine the original premium paid by the same employer. At no time under group insurance or workers' compensation is a premium credited to one employer with the actual costs and premium requirements assessed to another employer.

With the proposed amendments introduced in Bill 18, and specifically the removal or transfer of accident costs from the temporary agency's records, temporary help agencies will never have any actual claims costs assessed to their accounts in respect of their temporary workers and, as a result, would receive a maximum experience rating refund or rate reduction. Logically, since those temporary help agencies' actual claims costs by definition will be zero for temporary workers, then their expected costs are zero and there will be no justification for charging them any workers' compensation premium at all for their own account in respect of temporary workers which they provide.

Not only will the WSIB experience significant revenue losses, but the absence of claims costs for temporary agencies may also result in less motivation for the temporary agency to focus on return-to-work opportunities for their injured employees, as there's no financial consequence for them if the worker doesn't return to work, since again they bear no claims costs.

With the changes proposed under Bill 18, it's unclear whether client employers will have any way of mitigating the injury costs, as they appear to have little opportunity to directly participate in the post-injury efforts to return injured workers to modified work. This is because the temporary agency remains the actual employer with presumptive control over return-to-work opportunities. Although client employers will be technically responsible for the claims management and return to modified work of temporary workers injured on their premises, their actual ability to return the workers to modified work or manage the claims is severely limited. Return-to-work opportunities will be diminished under the proposed amendments.

We maintain that Bill 18 will only serve to penalize those employers who hire temporary workers while doing nothing to address the issue of temporary agencies who do not adhere to their legislative obligations. If implemented, employers may simply stop using temporary agencies and not hire temporary workers.

We urge the government to remove the legislative amendment pertaining to the Workplace Safety and Insurance Act from Bill 18. We believe the Occupational Health and Safety Act already provides the protection being sought by Bill 18 and that its unintended consequences will jeopardize WSIB's financial position and will actually end up financially rewarding those agencies whose behaviour Bill 18 was intended to curtail.

The Chair (Mr. Grant Crack): Thank you very much for your presentation. We'll move to the third party, Mr. Mantha.

Mr. Michael Mantha: You ended off by, "We maintain that Bill 18 will only serve to penalize those employers who hire temporary workers while doing nothing to address the issue of temporary agencies...." Can you go a little bit deeper into that comment?

Ms. Maria Marchese: Well, a lot of it goes back to the actuarial position that we put forward in terms of the transfer of those costs from the temp agencies to the client agency. If your intention is to penalize them financially, that's not going to occur with the way the legislation is currently worded.

Mr. Ian Howcroft: You're almost rewarding the temporary agencies for not doing the right thing because all the cost is transferred to the host employer.

Mr. Michael Mantha: You had also talked about the regulatory burden and the unintended consequences that will happen. Is that what you were referring to in your presentation? Yes? Okay. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Mantha. We'll move to the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: Good morning. Thank you for your presentation. Have you had the opportunity to discuss this bill with the Ministry of Labour? I'm the parliamentary assistant and I have discussed some of the other groups' concerns. I wondered if you had had an opportunity to talk with the Ministry of Labour.

Ms. Maria Marchese: We have had, and we've provided the minister with Ted Nixon's opinion as well. We've had a number of meetings on it. They understand the issues that we've put forward in terms of the financial side of it in particular.

Ms. Ann Hoggarth: Thank you.

The Chair (Mr. Grant Crack): Mr. Dickson.

Mr. Joe Dickson: Would this legislation, if passed, reduce any number of jobs in the province of Ontario?

Mr. Ian Howcroft: I think it would have; it would have caused problems with employers who are needing to use temporary agencies. It would cause them to look at that again as the most effective way of dealing with short-term needs. You need these people on a temporary basis, and if it's more of a problem, more of a cost, more

of a challenge, to hire temporary agencies, there could be some opportunities that were forgone which could have resulted in people not having work, in jobs being lost. We believe that to be the case. Again, it's one of the unintended consequences of Bill 18.

Mr. Paul Clipsham: If I can just add another example of that. Unintended consequences applies to this notion of joint and several liability under the Employment Standards Act. The act would propose this new obligation on the part of the client employer, the client of the temporary agency. They would now have to be responsible, jointly with the temporary agency, for any unpaid wages in the event that the agency were to go bankrupt or not pay. In our view, that really shifts the risk and liability on to the end employer that has already created the job opportunity and has already paid for those services to that agency. Again, that just adds more risk and liability to the end employer, and potentially costs. That could put the job at risk in the first place.

The Chair (Mr. Grant Crack): We'll move to the official opposition. Mr. Hillier.

Mr. Randy Hillier: I agree with your assessment on the WSIB. I understand you've had some comments and some discussions, but they obviously haven't been actioned.

I would like you to take a few moments to talk about the self-audit provisions as well. You didn't get an opportunity to do that, and if you could inform the committee of your concerns there.

Mr. Paul Clipsham: I think the concern around the self-audit is, it sounds good in theory, but I guess the risk is that employers, obviously, would go about such an audit, and it adds to the cumulative regulatory burden that Ian spoke about. If suddenly there were a blanket "All employers must audit," to take an extreme example—they're all going to do that. Good employers are going to do that and spend the time and resources in order to do that. So it's transferring the cost of doing that on to the employer. Again, in the context of the cumulative burden on employers, we have some concerns about that approach.

Mr. Randy Hillier: Maybe just explain to the committee how long and costly and time-consuming these audits are.

Mr. Paul Clipsham: It can vary. Every employer would probably do it a little bit differently, depending on what management systems they have in place. It could be a significant range. If you hire a third party to do it, it could cost hundreds of thousands of dollars for a large employer, but it really depends on the nature of the audit and what the details are.

Mr. Randy Hillier: And also a loss of productivity during that period of time as well. Audits—I've been engaged in a few of them; I don't know if everybody on the committee has. They can be very costly, very time-consuming. I think your comments that there needs to be a greater threshold before these can be imposed on an employer need to be taken into serious consideration for sure.

The Chair (Mr. Grant Crack): Thank you very much for coming before the committee and sharing your insights—much appreciated.

METRO TORONTO CHINESE
AND SOUTHEAST ASIAN
LEGAL CLINIC

The Chair (Mr. Grant Crack): At this time we would like to hear from the Metro Toronto Chinese and Southeast Asian Legal Clinic. We have Mr. Avvy Yao-Yao Go with us here today. I'd like to welcome you. You have five minutes. Thank you.

Ms. Avvy Go: My name is Avvy Go. I'm the clinic director of the Metro Toronto Chinese and Southeast Asian Legal Clinic.

At the clinic we represent many immigrants of colour, including those who, despite their professional training and high level of education, still find themselves working in low-wage jobs. They're easy targets for unscrupulous temp agencies and are often exploited in the workplace. They also experience systemic discrimination in the labour market.

We welcome the changes proposed by Bill 18, but we want to stress that in order to address the underlying issue of economic inequities, the government of Ontario must look beyond the employment standards legislation as a platform for law reform.

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In the interests of time, I will just simply highlight some of the key concerns we see in the bill, and I invite members of this committee to look at our written submission.

To start, we do support the various changes proposed by the bill to better protect temp agency workers; for instance, by making the client company and the temp agency jointly responsible for paying the workers' unpaid wages and overtime pay. However, the bill needs to go further by extending the joint and several liability to cover all of the employer's obligations under the Employment Standards Act. I hear the previous speaker, and they talk about the fact that it's going to cause problems; maybe they'll just not use temp agencies altogether. You know what? That's their prerogative, and that may not be a bad thing at the end of the day.

We are also very pleased to see that the bill extends the time period in which workers can file claims against employers for unpaid wages from six months to two years and removes the \$10,000 limit on the amount of wages workers are allowed to claim. But we are opposed to the transitional provisions in schedule 2 that will effectively deny the benefit of these changes to the workers who are owed money now, before the bill comes into effect. So we recommend those transitional provisions be removed.

We agree with the provision requiring employers to provide every employee with a Ministry of Labour poster outlining their employment rights. We disagree, however, that such a poster will only be translated upon request by

employees. We think that the onus should not be on the employer; actually, we think the onus should be on the Ministry of Labour to make sure that these posters are available in various languages and be distributed to workplaces across Ontario.

In some ways, we sort of agree with the previous speaker about the self-audit. We don't know how effective it will be. However, if you're going to go ahead with the self-audit, it should not replace enforcement by the Ministry of Labour. We are recommending certain changes in the bill so that employers who are required to provide a report, if it contains false or misleading information or fails to report information about any employee, will be given a fine to make sure that it is done.

On the issue of minimum wage, we ask the government to commit to a further increase to make it a living wage and to also look at removing all the exemptions from minimum wage under the Employment Standards Act. I provide an example of how some of the Chinese dim sum workers are being treated as liquor servers when you don't drink wine when you eat dim sum, but they're still given a lower minimum wage.

There are other provisions in the act that—

The Chair (Mr. Grant Crack): Thank you very much. I'm sorry, your five minutes is up. I want to apologize to you. I think I introduced you as "Mister."

Ms. Avvy Go: That's okay.

The Chair (Mr. Grant Crack): I apologize—clearly a Miss.

We'll go over to the government side for questioning.

Mr. Mike Colle: Avvy, thank you so much. I know you had a lot to say in such a short time.

One of the complaints I get from temporary workers is that if they are on a job through the agency, then if that employer finds that they're good workers and wants to hire them, essentially, they can't without—

Ms. Avvy Go: Paying a fee, yes.

Mr. Mike Colle: —paying a fee back or some kind of cost to the worker to get that job. Is that something you're finding is one of the complaints you're getting and whether this bill addresses that or not?

Ms. Avvy Go: Sometimes. I don't think the bill addresses that. Yes, there is a fee within the first six months. I think if you remove that, that may give an incentive to an employer to hire the worker directly on to the workplace.

But the complaints that we see more often are workers whose rights have been violated and they are kind of stuck in nowhere land because—for instance, we have clients who are pregnant and they're fired by the client employer, whereas the temp agency tried to pretend that they don't know anything about it. So if they come to us, we'll complain against two places—the client company with the Human Rights Tribunal, and the temp agency with the Ministry of Labour—in order to solve the problem.

I think at the end of the day, temp agencies, the bad ones, should not be in business. If this bill will result in some of these agencies gone, that is a good thing.

Mr. Mike Colle: There are some reasonable ones, but then there are the ones that basically take advantage of people's lack of English.

Ms. Avvy Go: Right. But even if you do speak English, it is very hard for employees to file complaints because they need their job. So we have a lot of clients who come to us only after they have lost their job to make the claim. That's why the time limit and the monetary limit—it's so important to have them removed.

Mr. Mike Colle: Thank you very much, Avvy.

The Chair (Mr. Grant Crack): Thank you, Mr. Colle. We'll move to the official opposition and Ms. Martow.

Mrs. Gila Martow: You're obviously an advocate for workers' rights, and I can certainly appreciate that and I want to thank you for that, Avvy. But my concern is that there is sort of a sense that you almost want to put some businesses out of business. There are a lot of temporary workers; there are a lot of businesses, especially at Christmastime, that count on hiring temporary workers. I'm concerned they'll overwork their full-time workers because they don't feel comfortable hiring temporary workers because the climate has shifted. That's, I think, the unintended consequence of a lot of this.

Are you concerned about that happening, that temporary workers for seasonal work in the summer and tourism times—the Pan Am Games are coming next summer. I'm expecting the temporary agencies to be really busy and in high demand. Are you concerned about, maybe, full-time workers being overworked?

Ms. Avvy Go: I think that businesses are very innovative and flexible. They will adjust to the new reality.

I do think that if there are temp agencies that are following the law, they wouldn't have any problem with the bill. It's only those who don't obey the law. Maybe it is a way of getting rid of the bad apples within that industry.

The Chair (Mr. Grant Crack): Thank you very much.

We'll move to the third party. Mr. Mantha.

Mr. Michael Mantha: Good morning.

Ms. Avvy Go: Good morning.

Mr. Michael Mantha: What would you suggest in this bill to better protect the temporary workers?

Ms. Avvy Go: I've made a couple of suggestions—for example, extending the joint liability. Also, we want to amend the bill to require client companies and temp agencies to pay temporary workers the same wages and benefits, because that's the other problem we see. You could be a "temp agency worker" working in the same company, doing the same job, and be paid different wages than those who are called full-time employees of the company. But there's actually a false distinction between what is full-time and what is temp, because you can be a temp in the same company for a long, long time and still be considered a temp.

I think if you make everyone pay the same wages, then that will be a big change as well.

Mr. Michael Mantha: Do you believe that the penalties that are there now are sufficient for the bad temporary employers?

Ms. Avvy Go: Because of the under-resourcing of the Ministry of Labour, it is unable to enforce. Even if it knows that someone is not doing the right job, whether it's the temp agency or a client company, they don't have the time to go after all of them, those who violate the law.

You have to think about how to strengthen the enforcement. Giving the Ministry of Labour better resources and also, for instance, if they have issued an order to pay, increasing the 10% administrative cost to 25%—that would be an incentive for people to obey the law as well.

Mr. Michael Mantha: My last question is, do you think there should be greater obligation on the companies that seek out to have temporary workers?

Ms. Avvy Go: I think if you give them the same responsibilities as those who don't—I don't think they should be treated differently because they are using temp agencies. However, because they should not be treated differently, if you are a direct employer, you are responsible and you are liable for your workers. So they should have the same liability.

Mr. Michael Mantha: Thank you.

The Chair (Mr. Grant Crack): Thank you very much for taking the time to come before committee. We appreciate it.

0940

WORKERS' ACTION CENTRE

The Chair (Mr. Grant Crack): Next, we have the Workers' Action Centre. I believe we have two coming forward. I'll let you do the introductions; I believe they're part of your presentation as well. Welcome.

Ms. Deena Ladd: Thank you very much. Hello. My name is Deena Ladd. This is Beixi Liu, and we both work at the Workers' Action Centre. Our centre delivers a number of services, supports and education to workers who do not have a union—workers who are in precarious jobs, working on contract, working through temp agencies; who are migrant, casual and on call; who work for low wages; and who have little protection under the Employment Standards Act.

We believe that Bill 18 is an important step forward in beginning to address the deterioration of labour market protection for many workers in Ontario who are in unstable and low-wage work. We are really pleased that the government has begun the process of identifying sectors of precarious work and wage theft and issues facing low-wage workers in the labour market. We have a brief, which you have, that outlines our position on key aspects of the bill such as the minimum wage, enforcement, migrant work and interns. Given the time, we'd like to focus our comments on the temp agency measures and wage theft.

Hiring workers indirectly through temporary agencies has become a dominant feature of Ontario's labour

market. The temp industry is concentrated in Ontario, with over 60% of the industry's revenue generated just in this province alone. The decisions that you will be making over the next three days will be affecting thousands of workers in precarious jobs. That's why this bill and the amendments that we seek are so important.

The realities of temp work challenge our understanding of what an employer actually is. The agency is considered to be the employer on record, but the reality is that temp workers actually have two employers: the client company where they're placed and the agency. We're pleased that Bill 18 is recognizing this reality by making it more difficult for companies to contract out unsafe and hazardous work to temp agency workers. But this needs to happen to all of the employment standards areas of law.

To bring this home a bit more, Beixi Liu is going to speak to this reality of having two employers.

Mr. Beixi Liu: I used to work through a temp agency for about two years at a property management company. I worked at the client company any day, whenever they needed me, including the weekend.

I was paid 50% less than my permanent co-workers who were doing the same work. During the whole time that I was working through the temp agency, my working schedule and my work were always controlled and supervised by the property management company. If I worked overtime or had to take sick leave or vacation, I always asked the client company for permission.

The only time I met the temp agency was at the initial interview when I was hired. After that, I always got the cheques from them through the mail for the next two years. Even though by name the temp agency was my employer, in reality the property management company was my real employer.

I think it's only fair to hold both client companies and temp agencies responsible for all workers' rights under labour law. That would reflect the reality that workers face at their workplaces today.

Ms. Deena Ladd: We believe that Bill 18 should be amended to make client companies and temporary help agencies liable not just for unpaid wages and overtime but for all employment standards entitlements.

A 2013 Ministry of Labour inspection blitz of temporary help agencies themselves found that 70% of employers—temp agencies—had monetary violations. The most common violation was unpaid public holiday pay. The government's 2009 Bill 139 on temp help agencies was supposed to ensure that temp workers got public holiday pay, but we have found that this has not happened because Bill 139 failed to make client companies that control schedules and pay for public holidays jointly responsible with the agency.

We believe that joint and several liability is the most effective proactive way of ensuring that client companies will follow the law for the workers they hire through temp help agencies. This is common practice in health and safety and human rights. We believe it should be common practice in the Employment Standards Act. We

need to ensure that all workers get basic access to rights in this province: being able to take a sick day, say no to overtime, get public holiday pay—basic rights. We don't think that that's too much to ask for.

I also want to speak to the removal of the \$10,000 cap on unpaid wages recoverable under the ESA. This is really important and much needed to combat wage theft.

At our centre we hold info sessions for workers to get support for violations of rights. Just last night, I met a caregiver who will be making a claim for unpaid wages and overtime in the next three to four weeks for potentially \$15,000. I want that woman to benefit from Bill 18. She has no time or resources to hire a lawyer or to go through Small Claims Court. She needs to have that cap removed immediately so that she can begin the process of addressing such egregious violations of her rights that she has been subjected to in her employment.

We urge that Bill 18 be amended to remove the six-month implementation delay on removing the \$10,000 cap on unpaid wages recoverable under the ESA and the implementation of the two-year claims period. Workers should not have to wait for an additional six months before they can start claiming the full amount of their unpaid wages. Think about all the workers, predominantly low-wage workers, who need every cent that they're owed so they don't slip further into debt and deeper into poverty as they cope with their wages being stolen. Let's make sure that they can fully benefit from this bill. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the official opposition. Ms. Martow.

Mrs. Gila Martow: It seems to me that it's a lot of complicated legislation to deal with what comes down to almost a reporting problem. If somebody is obviously working—I would say this woman, this caregiver who hasn't collected \$15,000 in wages—it could be six months of work without getting paid. Shouldn't we just have this person be aware of their rights, and everybody should report if they're not getting paid?

The government can't help what the government doesn't know about. You can make laws and laws and laws, but the reality is—I agree that there shouldn't be a cap; of course everybody should get paid for their work. But the government can't help somebody who isn't telling the government that she's not getting paid. Maybe it has to be a better reporting system for workers. I'm asking you if you agree that maybe we have to have a hotline, and every worker at the temp agency and the employer has to know their rights and know, "This is the phone number, and if you call, somebody is going to answer 24/7," because that's part of the issue.

I think now, with computers, it should be easier. There are very few people I know in my life who I'm dealing with—I'm an optometrist. I have newcomers. Young people, high school students, they all have computers and they all would be very happy to report anything very, very quickly. I guess it's a little sad that we're having to have hours and hours and papers and papers to deal with something that really should be reported.

In terms of holiday pay, do you feel that there's a problem where people are being hired for three months and then somebody else for three months and then somebody else for three months so that employers—it's always during the probationary period; it's always during the period when they don't have to pay holiday pay. Is that your sense?

Ms. Deena Ladd: In terms of the caregiver, she actually just left her job three or four weeks ago. She's done everything she can and she's filing a claim. My point there is that she'll be filing a claim in the next three to four weeks, well within the period of time that she has, but the amount of money that she'll be claiming is \$15,000. What I'm asking there is that the cap of \$10,000 be removed immediately once this bill passes third reading and royal assent. There shouldn't be six months' delay in her getting back the wages that she should.

Many workers are absolutely aware of their rights, but the issue is that the Employment Standards Act does not protect you from being fired, for unjust dismissal. If you file a claim, your employer knows immediately, and in our experience, workers then lose their jobs. Over 90% of workers make claims after they've left their job because they want to keep their job. If it's a choice between paying the bills and taking care of your family and filing a claim, most people will take care of their family and pay their bills. They'll wait until they are in a situation where they then can safely make a claim so that they're not jeopardizing their wages.

In terms of public holiday pay, actually, it's only the month previous to the public holiday that is calculated. You don't have to be at a company for three months. So there's no probationary period with regards to public holiday pay. If you start one week before Thanksgiving Day, it will be calculated on that week, so you'll probably get two hours of public holiday pay.

The issue there is the fact that most client companies tell the temp agency, "Do not bill me for public holiday pay. I don't want to be responsible." Then the temp agency doesn't pay the worker. So the worker gets caught in this dual relationship between the employer which is the temp agency as well as the employer which is the client company.

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The Chair (Mr. Grant Crack): Thank you very much.

Interjection.

The Chair (Mr. Grant Crack): I'll allow her to continue, but I'm trying to do my job. Mr. Mantha.

Mr. Michael Mantha: Please finish.

Ms. Deena Ladd: The issue is that with all aspects of employment standards, what we want to do is make sure that the worker is not placed in the middle of the two, that all the basic rights that they're entitled to should be fully adhered to, and that the client company and the temp agency are responsible for making that happen. That's all we're asking in terms of the joint and several liability.

Mr. Michael Mantha: Do you believe that WSIB should have an enforcement agency instead of self-reporting by the worker?

Ms. Deena Ladd: It's not WSIB; it's the Ministry of Labour employment standards that has the self-audit. We actually don't believe the self-audit is very effective. We think that there should be more resources—and we've been fighting for more resources—for the Ministry of Labour, which is a very underfunded agency of the government, to be able to do more proactive enforcement inspections. Right now, there are only 20 employment standards officers for the whole province to investigate 370,000 workplaces. So it's seriously underfunded and we think it would be fantastic if this committee supported more resources to go into that. That would be great.

Mr. Michael Mantha: How many people would be negatively impacted by the \$10,000 cap on the unpaid wages? And in your records, how many offending employers are out there?

Ms. Deena Ladd: It's hard to say, but I think that what we see in terms of the violations—the Ministry of Labour's own temporary agency blitz showed that 70% of temp agencies that they inspected were in violation. We ourselves, in the research that we found, have found that violations of employment standards are quite common in terms of public holiday pay, overtime provisions—your basic statutory entitlements.

In terms of the most egregious violations that we find, they are with migrant workers, with live-in caregivers, with workers who are incredibly vulnerable and who are owed large amounts of overtime, such as in the case of this caregiver that I met last night where she's been working for a year and she is now owed \$15,000 and so is desperate to make a claim and desperate to get that full entitlement.

Mr. Michael Mantha: Having the confusion of having two employers, the fear of repercussion in actually getting something solved—do you believe that impacts really on the worker and how he or she reports to getting issues resolved or actually making that call?

Ms. Deena Ladd: Absolutely.

Mr. Beixi Liu: I think so. From my own experience, I always, at the client company, when I work there, any time I need some sick day or something, I always ask. At the same time, the temp agency is there to control my accounting, paperwork, all these things. I always have to say I worry about the two parts. But most likely I worry more from client company, because even the temp agency, they have the fear of the client company. Actually, I didn't get paid properly at that time and I asked the temp agency, and the temp agency said, "Oh, the client company didn't pay me. How can I pay you?" That's one excuse they use. They use two excuses. There's only one of them they say. But I think that it's reality, because I work on accounts payable. I know they didn't pay. I know everything in the accounting department.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the government side. Ms. Kiwala.

Ms. Sophie Kiwala: First of all, I wanted to say thank you very much for the work that you're doing. I think it's very important, and I've certainly been made aware of some employment issues that have been happening in my

riding of Kingston and the Islands, so I'm very happy that you are doing this important work.

I'm wondering if you can tell me if you've had the opportunity to discuss this bill with the Ministry of Labour, how much you've discussed it, and what's been your, say, three top points that you've been really focusing on.

Ms. Deena Ladd: Absolutely. We've been working with the Ministry of Labour on provisions back since 2004, on trying to improve employment standards and address the huge increase in precarious employment and the types of wage-theft violations that workers face.

In terms of the bill specifically, I think the top issue for us would be the joint and several liability for temporary agencies, in particular extending that joint and several liability to cover all aspects of employment standards, not just wages and overtime, because as we've pointed out, public holiday pay itself seemed to be one of the most common violations, as well as stories that we hear day in and day out of workers being fearful of asking for a day off or a sick day, not feeling that they can ask for a vacation day, not feeling like they can say no to overtime that's requested—anything that regularly happens in the course of your day.

I think if you're working through a temp agency, you know that your contract or your assignment can be ended that night. There's no notice, there are no provisions there to secure that assignment, which makes them so vulnerable. That's why we think Bill 18 really takes an important step forward in trying to recognize that dual-employer relationship and how we need to take it—to really make the most of this bill and have it do what it's really trying to do, it would be important to extend to all employment standards.

Probably the other critical issue is the issue of injuries. We know that client companies bring in temporary agency workers when they know that there is potential work that is more hazardous and more unsafe than what they want their regular workers to be exposed to. This is well-documented in major research studies by the Institute for Work and Health at the University of Toronto, which has actually had client companies go on record saying that that is what they do. That is why I think the provisions in Bill 18 that are now going to make client companies liable for the injuries are excellent.

The thing that we are so fearful of every day is if we get sick or if we're injured. I think that that is so critical in this bill, to make sure that workers have that protection and that employers think twice in terms of who they hire as a temp agency and what situation they're putting their own workers and temp workers in when dealing with hazardous materials or unsafe work.

The Chair (Mr. Grant Crack): Thank you very much. Unfortunately, the time is up. We really appreciate you coming before the committee.

Ms. Deena Ladd: Thank you.

The Chair (Mr. Grant Crack): You're quite welcome.

PARKDALE COMMUNITY LEGAL SERVICES

The Chair (Mr. Grant Crack): We now have the Parkdale Community Legal Services. I believe we have Mr. John No with us. He's a lawyer. Welcome, Mr. No.

Mr. John No: Hi. Good morning. My name is John No, and I work for the Parkdale Community Legal Services. I am a lawyer who practises exclusively employment law. We represent low-wage and non-unionized workers.

Just to give you an idea of the scope of our practice and, I guess, the problem, in just our community legal clinic, in the last three years we recovered for our clients \$1.1 million in unpaid wages, wrongful dismissal damages and other employment damages. That's just in our small, little legal clinic that is under-resourced.

I'm here to first of all say that, of course, we work with a lot of people who will benefit from the changes brought forward under Bill 18, but there are some changes that need to be made in the bill.

First, as you know, the cap of \$10,000 has been eliminated, which I think we are in favour of. Also, there is the limitation date. But the current bill allows for a transition plan for six months. We see no reason for there to be a grace period for unscrupulous employers in terms of being able to get away with not paying their workers.

The second part I would like to speak about is the temp agency workers. Currently, Bill 18 states that the client company has joint and several liability for regular wages and overtime pay. Again, we see no reason that it should only be limited to regular wages and overtime pay, because there is also public holiday pay, public holiday premium pay, vacation pay, pregnancy leave, sick leave etc. Like I stated, we see absolutely no rationale for allowing unscrupulous companies, whether their clients are temporary agencies or not, to be exempted from their obligations.

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I would also like to speak about equal pay for equal work for temp workers. I do believe that temp agencies have an economic role for situations where a client company truly needs a temporary worker: They need to hire someone for two weeks because one of their permanent staff members is sick, for example, or during Christmastime for retailers. However, there is no economic or moral rationale, I believe, for client companies being allowed to use temp agencies really just to replace their actual permanent staff. I had a client who got a job through a temp agency, got temp work and worked for the same factory for about five years. What happens with that is, the only value the temp agency gave was in the beginning when they assigned the worker to the job, but for the next five years, the temp agency in a sense got a cut of that worker's wages.

Economically speaking, they are not adding any value to our society once that placement has been made. For that reason, to eliminate that financial advantage of a client company being able to hire a temp worker for what

is really permanent work, we should have legislation in place that states that temp workers who do the same work as permanent workers in the factory or their workplace should be paid the same.

Again, the temp agency will still have a role because the employers who really just need a temporary worker for two weeks will still have the benefit of that flexibility. But of course, like I stated, if you have the worker there for five years or two years, the flexibility argument goes out the window.

Lastly, what I would like to agree with is that the fee for migrant workers be banned. That is something, obviously, you would be in agreement with.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the third party, Mr. Mantha.

Mr. Michael Mantha: Thank you. It's obvious that there is a lot of confusion with the temp workers as far as where the responsibility lies between the temp and the actual employer. The fear factor, or the fear of having repercussions, is there. How much is that fear contributing to the loss of work or the loss of wages for the actual affected worker? Knowing that they are affected, by the time they come to you, how far along are they on their process as far as losing? And that actual fear of repercussion—how much of a loss and a negative impact is it on those individuals?

Mr. John No: The workers who come to us knew all along through their employment process they were not being paid properly. You don't need a PhD to know that you're not being paid overtime. But the thing is, they tolerate it because, as was stated before, if it's a choice between paying for rent and groceries, accepting "I won't be paid an overtime rate," then they'll stay in the job.

What we always tell our clients—if there are clients who happen to come to us while they're still employed, we tell them, "Here are your rights." But we make sure to tell them, "If you do complain to your employer, here's what's probably going to happen," which is either they're fired outright, or if the employer is a little bit smart enough, they won't fire them outright but they'll reduce their hours. For example, for shift workers, that's a real concern, because shift workers' schedules are very—it's going to be very hard to show that connection. They'll say, "No, no, the work was slow" or something like that, even though you're the only one whose hours are cut.

For that reason, most workers don't complain until they've finally had enough and they quit, or they've been let go for other reasons.

Mr. Michael Mantha: So what needs to happen? How far do we need to go with this particular act in order to avoid that happening, so that individuals who are being affected by bad temp agencies have the opportunity to protect themselves and not be worried about having repercussions?

Mr. John No: Proactive investigation by the Ministry of Labour would definitely help, because that will put the onus not on the employee, to make sure the problem doesn't happen before it occurs. I think the two-year limitation date is going to be very helpful, because that

would allow people to claim for wages further back, even if they had to wait a little bit.

Mr. Michael Mantha: Your limitation period—can you explain that to me again?

Mr. John No: You can only recover wages six months prior to you filing the claim, not necessarily when your job ended. So, for example, if you happen to wait three months after your firing to file a claim, but you have wages owing from eight months ago, you're out of luck. The two-year extension of limitation, that's in uniform with the civil limitation date. I think that's a good start, but, of course, what we want to do is make sure the violations don't happen in the first place, and I think a proactive investigation by the Ministry of Labour would help.

Mr. Michael Mantha: One last question: You talked about the value of having a temp agency, where a two-week period versus a five-year period—in your best judgment, what would be a valuable experience as a temp worker, the period of time that that would be beneficial to the worker and the employer? Because obviously a five-year temp position is not a temp position.

Mr. John No: I think if we make sure that workers get equal pay as their other colleagues, it would eliminate the financial incentive for the client company to hire permanent workers through a temp agency. I think we don't necessarily need a time—well, it may help. But I don't think necessarily three weeks after—actually, no. That might actually be a good idea, now that I think about it. But I do think equal pay for equal work is a good philosophy just to be having in our society.

The Chair (Mr. Grant Crack): Thank you very much. The government side: Mr. Colle.

Mr. Mike Colle: Thank you, Mr. No. I was just wondering, in terms of the number of temp agencies, do you find that there are new ones coming on board all of the time, or is it the same ones that your clients are basically employed by?

Mr. John No: There are major ones that we see crop up all the time, the big ones, but there are new ones, too. I think it's lucrative for the temp agencies, because they assign the worker and then they get a cut of their cheque for an indefinite amount of time. It could be a large company, like Labour Ready—you know, things like that—and then it could be a small fly-by-night operation as well. So it's constantly changing.

Mr. Mike Colle: Generally, is there a pay range that these temp workers get paid—\$15 an hour? I know I've heard—

Mr. John No: No, there's no range. I mean, they have to pay the minimum wage at least.

Mr. Mike Colle: At least.

Mr. John No: I don't have the exact number, but obviously, as you know, if the client company is paying the temp agency \$18 an hour, the worker is only getting \$12, for example. That \$6, that value, really should be going to the worker.

Mr. Mike Colle: Yes, so that's usually what they take, about \$5 to \$6—

Mr. John No: I don't know the exact figure, or at least I don't have that in front of me.

Mr. Mike Colle: Do you find that there have been any interventions by the Ministry of Labour before to visit these temp agencies, or is it always on a complaint basis after the fact?

Mr. John No: There have been proactive investigations, I believe, to the best of my recollection. But the problem is, at the end of the proactive investigation—it needs to be increased, because it only targets a very small number of employers at this point. It's only getting to the tip of the iceberg.

Mr. Mike Colle: Do you think it would help if the Ministry of Labour visited some of these companies on a regular basis to lay out their responsibilities and the fact they're being monitored?

Mr. John No: I'm sure it would help. Of course the self-audit isn't that helpful, because you're relying on the person who is potentially violating the law to report themselves. So, yes, regular investigation that actually properly investigates would definitely be beneficial.

Mr. Mike Colle: Do you forward on these violations to the Ministry of Labour? Do you track them?

Mr. John No: We file claims with the Ministry of Labour, yes.

Mr. Mike Colle: Okay. Generally speaking, what has been the response when you file claims? Do you ever get any coordinated follow-up from the Ministry of Labour up until now?

Mr. John No: Unfortunately, they really look at it as an individual case by case, it doesn't trigger off a workplace investigation.

The other problem is, there are about 15,000 to 20,000 claims filed every year with the Ministry of Labour—

Mr. Mike Colle: Fifteen thousand?

Mr. John No: Yes, 15,000 to 20,000 every year.

Mr. Mike Colle: On temp?

Mr. John No: No, as a whole. This means that our clients usually wait roughly between eight to 12 months in order to get the case assigned for investigation. There is a backlog, so the Ministry of Labour requests more resources in order to deal with the investigations.

Mr. Mike Colle: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the official opposition, Mrs. Martow.

Mrs. Gila Martow: First, I just want to make a quick statement. To me, equal pay for equal work is levelling the playing field for gender inequality, but really, it should be the same education, the same years of experience on the job. Obviously, a temporary worker who is being hired, say, by a small business to replace somebody who is maybe on maternity leave or sick leave for a month isn't going to have the on-the-job experience of a worker who has been with that company for years, even if they have the same job description. I've hired temporary receptionists once or twice in my business career. Yes, they might be answering the phone and booking appointments, but compared to the receptionist they're

replacing, I'm having to do half the job because they obviously would not have the experience. I think it gets a little tricky to just mandate equal pay for equal work. It's going to be tough.

But in terms of temporary agencies, if they're getting a cut, where is their responsibility? I think the responsibility should be on them. In your opinion, the workers not being paid, is it more often the primary company that the worker is actually doing the work for that isn't paying the temporary agency, or is it the temporary agency not passing the wages on to the worker?

This is almost starting to sound to me like FRO, the Family Responsibility Office, where a parent is supposed to pay child support and is giving the money to the government to then pass on to the other parent. We often hear stories in our ridings where the parent says, "I gave the money. Why is it taking so long to pass that money on?"

Mr. John No: My understanding of Bill 18 is that the primary obligation to pay is still going to lie with the temp agency. It's just that if you're not able to recover the wages from the temp agency, then the client company bears responsibility as well.

Ultimately, at the end of the day, it's the client company that benefits from the value of the labour, so I don't think it's too much to ask, if the worker doesn't get paid, that they ensure that the worker gets paid. It is both. Sometimes the temp agency doesn't pass on the wages, but sometimes the temp agency says, "I can't pay you because the client company didn't pay."

Mrs. Gila Martow: But isn't it their job to get the money from the client company? That's what they're taking a cut for, not just to find that worker a temporary job. They should have the ability to hire a lawyer just like you, Mr. No, to advocate on behalf of their client. Otherwise, what are they taking a cut for?

Mr. John No: Sure. But ultimately what we want is for the worker to be paid. If, to ensure the worker is paid, we need to have joint and several liability, I think that's a good thing.

The Chair (Mr. Grant Crack): Okay, thank you very much, Mr. No.

We will take a recess at this time and reconvene at 2 p.m. this afternoon.

I would like to thank everyone who came forward this morning and presented us with their points of view. Thank you very much, and I thank all members of the committee for the great work they did today.

The committee recessed from 1013 to 1401.

MR. WING KONG

The Chair (Mr. Grant Crack): I'd like to call the Standing Committee on General Government to order. We're going to continue with public hearings with regard to Bill 18, An Act to amend various statutes with respect to employment and labour.

We'll start this afternoon with the rotation beginning with the government side, then followed by the official

opposition and the third party. Then we'll move around to be fair to all.

Having said that, I would like to welcome—I believe Wing Kong is here with us this afternoon. Welcome. You have five minutes to make your presentation, as with all delegations, and three minutes for questioning from each party. Welcome.

Mr. Wing Kong: Thank you. My name is Wing, and for the past six months I have been working as a temporary agency worker.

Like many university graduates in this day and age, I was unable to find work after graduation. Faced by the mounting pressures of my student loan debt and aging parents, I had no choice but to take a job as a temporary worker. Today, I hope to share with you some of my thoughts and experiences as a temporary worker.

But before I begin, I want to make a qualifying remark. The moment I decided to take part in this very public deputation process, I put myself at risk of losing my job, my livelihood. I point this out to highlight the vulnerable conditions faced by temporary workers and in the hope that you will listen to what I have to say in good faith.

The temporary agency that I work for is one of the largest in Ontario, providing workers for many companies and large corporations in Canada, some of which are even publicly traded on the Toronto Stock Exchange. The warehouse which I have been working in for the past six months is run by one of these large, nationwide, publicly traded companies. Yet despite the millions, perhaps even billions, made by the shareholders and executives of this large Canadian company at which I work, I am paid the minimum wage, and I receive no benefits.

I handle chemicals and am exposed to dust, bugs and all sorts of debris on a daily basis. Yet I am one of the lucky ones—lucky in that I have only been there for six months. Many of the other temporary agency workers at the warehouse where I work have worked under these conditions for many years, some even upwards of 15.

Despite the fact that they have worked there for 15 years, they make and have always made the minimum wage. Committee members, this is equality of the most perverse kind: regardless of whether you've worked at this company for a year or for 15, all you get is the minimum wage.

Yet temporary workers at my warehouse work alongside a more privileged group: directly hired corporate employees of the company. Unlike us temporary workers, corporate employees have benefits and sick days and aren't subject to arbitrary termination. They are, in short, treated in a way you would expect workers to be treated in a civilized society.

If the difference between temporary workers and those directly hired seems striking to you, the most absurd part of it all is that temporary agency workers and permanent workers often do the exact same work. For example, I work with another fellow on the packaging line. We do the same job, but he makes \$30 an hour while I make \$11. Committee members, why are we doing the same

work but being treated so radically different? This government needs to ensure workers get equal wages for equal work.

This brings me to another issue. I'm no expert in the law, but I have tried in the past week to read and learn a bit about Bill 18. I am glad to learn that client companies and temporary agencies will be jointly liable for unpaid wages. However, I feel this solution fails to address some of the more day-to-day realities faced by temporary workers. For example, take the issue of taking a sick day. For those with secure employment, taking a sick day is a non-issue, but for temporary agency workers like us, taking a sick day not only means earning less money, it comes with a fear that we might be fired. As a result, it is not uncommon for temporary agency workers at my warehouse to work through colds and even head-wrenching flus. I believe by broadening this liability issue, it would encourage client companies to pressure temporary agencies to adhere to employment standards, as they will also become responsible should violations happen. This, in turn, means that temporary agencies are more likely to treat workers fairly and in accordance with the Employment Standards Act.

Temporary agency workers like me accept poor working conditions, often because we have no choice. The fact that temporary agencies and corporations take advantage of this fact to create conditions that are highly financially lucrative for them, while creating extremely difficult conditions for workers like us, is truly shameful and, as I see it, often in violation of the Employment Standards Act. Workers' rights should not be relying on the potential goodwill or generosity of an agency or company bosses but, rather, should be backed by the full strength of the law. We do not need permanently temporary work where we are able to pay the bills, for the time being, where we won't have to live on the streets, for the time being. We need equal pay and access to permanent work. We need to implement and broaden shared liabilities to create disincentives for the violation of employment law.

On behalf of the thousands of temporary workers in Ontario who are not able to be here today, I urge you to take action on this issue and to seriously consider what I have said. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Kong. We'll move over to the government side: Mr. Colle.

Mr. Mike Colle: Thank you very much, Mr. Kong, for the very articulate and impassioned presentation. I appreciate you really taking, as you said, a risk in being here. I think you're to be commended for taking that step; it's not easy to do.

You seem to have a very good education. You're very articulate, very well-spoken, and at first blush, you seem to be a very capable young man. I'm just wondering, have you applied for any other jobs? It seems that your talents are not being used properly working on the line for minimum wage.

Mr. Wing Kong: Yes, I have tried to apply for other jobs but, as I mentioned earlier, it has been difficult

getting other jobs. Just today, actually, I was fired from my job. I'm not sure if it's related to this deputation, but this morning I received a call from my agency telling me that I'm no longer needed at the company, so I have to look for another job. I don't know if it will be something similar to this or if it will be something different, but, yes, I definitely need to look for a job now.

Mr. Mike Colle: Again, you certainly seem to have excellent skills.

It's interesting: You mentioned that at the job you're working at, the person on the line with you was making \$30 an hour doing the same stuff.

Mr. Wing Kong: Absolutely. These are permanent corporate employees who are unionized, and they work alongside temporary agency workers who are not unionized.

Mr. Mike Colle: So the person making the \$30 an hour is a unionized worker?

Mr. Wing Kong: A unionized worker; correct.
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Mr. Mike Colle: Anyway, I just want to thank you again for bringing the plight of the unfairness in a lot of these conditions and wages of temporary workers. I really commend you for coming forward, and I encourage you to look for employment.

If you give me your resumé, I'd like to see if I can maybe help you out in some way, because you seem to be very capable of doing some good work.

Mr. Wing Kong: Thank you.

The Chair (Mr. Grant Crack): Ms. Hoggarth, 38 seconds.

Ms. Ann Hoggarth: Hi. It's good to see you again. I just wanted to know if you are going to make a complaint to the Ministry of Labour in regard to your dismissal. It doesn't seem to me like this is a coincidence. I think it would be very important for you to talk to the Ministry of Labour about this, and perhaps there would be an investigation.

Mr. Wing Kong: Right. I haven't thought about that, but I think that highlights one of the big issues among temporary agency workers: in general, fear and a lack of their rights. It's about being scared of coming forward. It's about being scared of asking for wage increases. It's about not knowing, as well.

Ms. Ann Hoggarth: I hope you will talk to the Ministry of Labour about this so that perhaps there can be an investigation.

Mr. Wing Kong: Yes. Thank you.

The Chair (Mr. Grant Crack): We'll move to the official opposition. Mr. Pettapiece.

Mr. Randy Pettapiece: I have no questions at this time.

The Chair (Mr. Grant Crack): We'll move to the third party. Mr. Natyshak.

Mr. Taras Natyshak: Thank you very much, Mr. Kong. I appreciate your testimony here today. I'm going to be pretty quick. I've got three minutes, so hopefully I'll get some quick answers. Have you ever held an unpaid internship?

Mr. Wing Kong: No, I have not.

Mr. Taras Natyshak: Have you ever felt unsafe at the place of work that you're referencing right now?

Mr. Wing Kong: Often.

Mr. Taras Natyshak: Have you ever enacted your right to refuse unsafe work?

Mr. Wing Kong: There is no right to refuse. If you refuse, you get fired.

Mr. Taras Natyshak: Do you know that you have the right to refuse unsafe work at your workplace?

Mr. Wing Kong: I do, but in practice, that refusal is essentially saying, "I don't want to work."

Mr. Taras Natyshak: For fear of reprisal?

Mr. Wing Kong: Absolutely.

Mr. Taras Natyshak: Okay. At this current employer, were you ever provided health and safety training?

Mr. Wing Kong: No.

Mr. Taras Natyshak: No initial training whatsoever in terms of health and safety?

Mr. Wing Kong: We saw a short video at the agency. At the actual warehouse, there was no training.

Mr. Taras Natyshak: Have you ever witnessed a Ministry of Labour inspector come into the site to inspect? Have you ever spoken to anybody?

Mr. Wing Kong: No, I have not.

Mr. Taras Natyshak: That's pretty frightening and, unfortunately, not uncommon in terms of placements through temporary work agencies. I wonder—

Mr. Wing Kong: Let me give you an example.

Mr. Taras Natyshak: Sure.

Mr. Wing Kong: We often work with chemicals in cleaning, and these chemicals appear to me to be carcinogenic or bad for our health in general—

Mr. Taras Natyshak: Sorry to cut you off. Were you told what the chemicals are that you were working with?

Mr. Wing Kong: No, no.

Mr. Taras Natyshak: You were never given an MSDS?

Mr. Wing Kong: You are given the bottle, and you're asked to clean.

Mr. Taras Natyshak: Okay.

Mr. Wing Kong: It's not like you can say, "I don't want to clean; I want to pack today." You're cleaning today, and if you don't like it, you can leave. That's essentially it.

Mr. Taras Natyshak: I understand.

Mr. Wing Kong: Also, it's an issue of supplying, for example, gloves. There is a limited supply of gloves. These gloves break very quickly. When they do break, they don't want you to switch gloves, as a way of, I'm assuming, cutting back on their costs. Often, workers leave smelling like the chemicals. Their hands smell like the chemicals, even into the weekend; for example, if you work Friday, by Sunday you're still smelling like the chemicals.

Mr. Taras Natyshak: It takes a lot of courage to make the deputation that you did today. I applaud you. One last question: You were informed today by email or by mail that you were terminated?

Mr. Wing Kong: By phone.

Mr. Taras Natyshak: Through the temp agency?

Mr. Wing Kong: Through the temp agency.

Mr. Taras Natyshak: By phone?

Mr. Wing Kong: By phone.

Mr. Taras Natyshak: Okay, so if they should be sending you something in writing, I'd love you to share that with this committee.

I would ask the Chair if, through this committee, we have the ability—maybe through a motion—to follow up on Mr. Kong's termination, to assist him. I know Mr. Colle had offered to assist him in employment, but we should take care of the issue at hand. If you were unjustly terminated at your current place of work, then it is our job to ensure that the enforcement mechanism of the Employment Standards Act is, in fact, enforced. I will certainly offer my support and resources through my office to follow up on that, but we need dialogue between you and this committee. I'll ask the Chair to guide us through that process.

Thank you very much for your testimony.

The Chair (Mr. Grant Crack): Thank you very much. I think what we would do is: You've made the formal request to him this afternoon. If Mr. Kong chooses to supply that information, he is more than welcome to bring it to the committee, and then the committee can decide how to move forward at that point.

Mr. Taras Natyshak: And, if I may, would it be appropriate to make a motion that we follow up as a committee on Mr. Kong's individual case at some point?

The Chair (Mr. Grant Crack): If we were given more information, I would think that would be appropriate.

Mr. Taras Natyshak: Sure.

Mr. Wing Kong: Can I make a quick comment? I really appreciate the general support that I have received here, but I think the issue that I feel is that this isn't an individual issue. I can get another job, I'm sure, whether in another warehouse or whatnot. But even if I do, these people will still be there. They'll still be working in those conditions. Until something changes in the law, these people will still be undergoing the same conditions that I'm undergoing.

I really implore you to take seriously these considerations to broaden the liabilities.

Thank you very much.

Mr. Taras Natyshak: Thank you.

The Chair (Mr. Grant Crack): Thank you for coming before us. We appreciate it.

CANADIAN FEDERATION OF STUDENTS-ONTARIO

The Chair (Mr. Grant Crack): Next on the agenda is the Canadian Federation of Students—Ontario. I believe we have the chair, Mr. Woods.

Welcome, Mr. Woods. You have five minutes.

Mr. Alastair Woods: Thank you very much for having me this afternoon. My name is Alastair Woods. I'm

the chairperson of the Canadian Federation of Students—Ontario, the province's oldest and largest student organization representing over 350,000 college, undergraduate and graduate students. Though we are an organization that primarily represents the interests of our members on issues of post-secondary education, increasingly we are finding ourselves drawn into discussions about our members' lives outside of campus and at work.

I don't believe I need to reiterate to many people in this room just how bleak the future looks for young people today. Youth unemployment is almost double that of the average worker, and as a result, students are going to increasingly desperate measures to earn some money to pay for the rising costs of living and education. This government has taken many steps over the last year that indicate a willingness to work with young people on issues that matter to them, but we believe this government can move more boldly towards a truly strong, fair and just law framework for workplaces.

One of the largest issues for my members is the minimum wage. Despite a broad consensus from communities across the province, the government chose to institute a meagre increase of 75 cents from the minimum wage of \$10.25. They called it a compromise between workers and businesses. There may be very real concerns from smaller businesses about their ability to hire new employees and retain them with increased costs, but there was never any real discussion about integrating them into a fair minimum wage platform in a manner that was also fair to them. I think everybody in this room knows that the watered-down proposal did not come at the behest of mom-and-pop businesses across the province, but from lobbyists, from multinational corporations like Walmart, McDonald's and other retail businesses that employ the vast majority of part-time workers and can more than afford to pay them a living wage.

If, as the Premier stated during the election, government can be a force for good in the lives of people, then it can do much better. Many of our members rely on multiple part-time jobs to pay for tuition fees—which are the highest in all of Canada—buy textbooks and groceries, pay rent and meet transportation costs that are becoming increasingly prohibitive. But, in an economy where good jobs are scarce, many new graduates rely on these part-time jobs now to make a living, to pay their bills, to chip away at their student debt and put food on the table for both themselves and in some cases their families. What my members need and what Ontarians need is a minimum wage that does not legislate poverty for full-time workers, and we believe that \$14 would be a good start.

Another issue we take with the minimum wage is the differential wage that is paid to different classes of workers and people under the age of 18. In no other province is there a separate class of wages for students below a certain age, and the federation believes strongly that this class should be eliminated in Ontario, along with all differential minimum wages. There is absolutely no justifiable reason why two workers in the same work-

place, performing the same tasks, separated by a year of age, should be paid differently. Quite frankly, it is discrimination based on age.

Young students who work part-time in high school are often saving for college and university, understanding the vast financial resources they will need to pay tuition, books, meal plans, transportation, residences and associated costs. As we recommended in our 2014 budget submission, the federation recommends the elimination of the student minimum wage. But beyond this, we recommend an end to differential minimum wages for all workers. It's unfair and inexplicable that some workers are to receive higher minimum wages than others on the basis of age or occupation, so on this, we also recommend an end to all differential minimum wages, period.

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This province can only become strong, fair and just if we support those who make it home. These are the people who are working in the McDonald's. These are the baristas, the waitresses and the waiters, those who are folding clothes in malls, both young and old workers who are struggling today to pay their bills and make ends meet. Anything less would be a disservice to the government's mantra that our province should be progressive, fair and equitable.

I sincerely hope that you take my comments in mind as you move forward in discussing the minimum wage, because the livelihood of an entire generation does count on it. Thank you very much.

The Chair (Mr. Grant Crack): Thank you, Mr. Woods. We shall begin with the official opposition. Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you for coming today. You went through that pretty quick, so I probably missed a few points in your presentation.

You talked about the minimum wage. What would you like to see it at, if you had your dream?

Mr. Alastair Woods: We were part of a coalition of community, faith and labour groups that were calling for a \$14 minimum wage. That would put a full-time worker above the poverty line. We don't believe that anyone who works full time, whether they're a student or not, should be living below the poverty line if they have a job and work full time.

Mr. Randy Pettapiece: Yes, \$14 isn't much money, and I would suggest that maybe it isn't—if it's really close to the poverty line, I think that's where it would be at.

Can you tell me what the student minimum wage is?

Mr. Alastair Woods: I believe the student minimum wage is \$9.70 or \$9.80? For students under the age of 18, I believe it's about \$9.70 or \$9.80.

Mr. Randy Pettapiece: If you eliminated the student minimum wage or got that done, then you would put it up to the \$14—everybody gets the same thing?

Mr. Alastair Woods: Ideally, yes. We would want consistency with the minimum wage. I mean, on one hand, we're calling for an increased minimum wage, up to \$14, but we do want consistency, whatever the min-

imum wage that is decided upon—that all workers who are working minimum wage make the same.

Mr. Randy Pettapiece: I see. I come from an agricultural community in this province. We have all kinds of students come out to help bale hay or whatever on the farms, and a lot of them are involved in the fruit-growing industry. It's difficult for farmers, especially in the fruit and vegetable industry, to get this passed on to what they need for their product because of market concerns, because we are competing against tomatoes coming in from Mexico or wherever else. Have you thought about that? Would you have some thoughts on that?

Mr. Alastair Woods: Yes. As I mentioned in my remarks—and my apologies for going a bit fast; I've always been known for talking a mile a minute—for us, we understand that it's not necessarily a black-and-white issue. There are some areas that would need further discussion, especially areas like agriculture and small business. But for us, we felt like there was never a chance for that discussion, to say that there were small businesses who had concerns, and how could we integrate them into a plan that was both fair to them and fair to those who worked for them.

Our members—we hear constantly that many of them, the majority of them are working for these multi-billion-dollar companies—the McDonald's, the Walmarts and the retail service industry. We would be more than happy to engage in discussions about how to facilitate a process that's fair to both parties in those instances, but we don't feel like that conversation was ever had, and we were just handed a decision and told that this was the compromise that was made.

Mr. Randy Pettapiece: Okay. Thank you.

The Chair (Mr. Grant Crack): Thank you, Mr. Pettapiece. Mr. Natyshak.

Mr. Taras Natyshak: Thank you very much. I'll try to speak as quickly as you did—I'm just kidding.

You're aware that the bill simply raises the minimum wage at the rate of the CPI?

Mr. Alastair Woods: Yes.

Mr. Taras Natyshak: Do you believe that that goes far enough?

Mr. Alastair Woods: No. Tying the minimum wage to inflationary increases is a good first step, but if we tie it to inflationary increases, and it's still below delivering you above the poverty line, then you're kind of tied to the poverty line for the rest of your life, if we don't make any changes to that.

Mr. Taras Natyshak: It seems as though you're well-versed in the area of minimum wage, at least. Are you aware of the proposal that the NDP put forward I believe, in 2010, to call on the government to immediately raise the minimum wage to \$10 an hour? Were you aware of that?

Mr. Alastair Woods: Yes.

Mr. Taras Natyshak: Do you think that would have had an effect in terms of giving young workers, those who work in minimum wage jobs, a leg up at that time and we wouldn't have to be playing catch-up at this point in time?

Mr. Alastair Woods: I believe it would have given young workers a leg up, but I also think that it is important for us to set a standard that puts young workers—and all workers—above the poverty line and then tie it to the rate of inflation to ensure consistency. I think the issue with minimum wage policy is that, many times, it has been sort of thrown around like a ball, depending on the priorities of government and opposition. Obviously, we appreciate any proposals to make those increases. But more consistency and more predictability, I think, would be something that many of our members would certainly appreciate.

Mr. Taras Natyshak: We did most recently propose to the government, and in our election platform, that we immediately raise the minimum wage by 50 cents per year until we get to \$12 an hour and then tie it to the CPI or some inflationary index. Would that have gone further than what the government is proposing?

Mr. Alastair Woods: It goes further than what the government is proposing, but as I mentioned, we are part of a coalition that does believe that \$14 is a bare minimum standard to ensure that people can make a living, even if they are working on minimum wage.

Mr. Taras Natyshak: Can you talk about the prevalence of temporary and part-time work with your association and your members?

Mr. Alastair Woods: Yes. Many of my members are engaged in multiple part-time jobs. It's very common to meet young students who work two or three part-time jobs, often at full-time hours when you put it together, while going to school full time or part time.

Many members, myself included, had to reduce our course loads and drag our studies out over a longer period of time because we couldn't afford to not work as much and go to school.

Increasingly, we are seeing that many of our members are engaging in unpaid work as a way to hopefully get their foot in the labour market. But as we've seen over the last year, the abuses have been quite rampant. I think that it speaks to a sign of a generation desperate to just try and get their foot in the door and have a little bit more financial security.

Mr. Taras Natyshak: Do you think the government is doing enough to raise awareness about the prevalence of unpaid internships?

Mr. Alastair Woods: We've seen some movement in the last year that we definitely appreciate. We also believe, though, that the government can do much more. We're willing to work with both the opposition and the government to ensure that we're setting higher standards, that we're being a lot more proactive about enforcement and that we are providing young people with the opportunities they need to succeed in the kinds of jobs that can help them succeed later on in life.

Mr. Taras Natyshak: How much time? Done?

The Chair (Mr. Grant Crack): Zero. Thank you very much.

Mr. Taras Natyshak: Thank you very much. I appreciate it.

The Chair (Mr. Grant Crack): Members of the government: Mr. Dickson.

Mr. Joe Dickson: Thank you, Mr. Chair. I just have a couple of quick, friendly questions.

Mr. Alastair Woods: Sure.

Mr. Joe Dickson: You're in university?

Mr. Alastair Woods: I just graduated from York University.

Mr. Joe Dickson: Sorry?

Mr. Alastair Woods: I just graduated from York University.

Mr. Joe Dickson: Graduated? Congratulations.

Mr. Alastair Woods: Thank you.

Mr. Joe Dickson: I'll be able to say now, when I meet you on the street in a couple of years, that I remember you when you were poor.

I have a question. I would certainly agree with you on a number of things. You're an educated person. You're a university-educated person. You're doing a presentation in front of elected members of the Legislature. Is there any reason why you didn't run a couple of copies to circulate to us? We normally take it back, put it in a file and keep the complete file until the bill is finally read, debated and passed or defeated.

Am I missing something? Or did I just do it the old-fashioned way at home: Every night I'd get home and eat dinner with the family, and then I'd sit down and do paperwork for a couple of hours and I'd make a list of notes. I'd put people's names beside them, I'd run copies in the morning when I went in, and I would circulate them to staff. Did I miss something?

Mr. Alastair Woods: What we probably would have sent around was the budget submission that we have submitted on several occasions to MPPs in all three parties.

As I'm sure you understand, actually, this bill was brought to this committee relatively quickly. We only found out about this a few days ago.

Mr. Joe Dickson: If you present them, then certainly circulate them, too.

Mr. Alastair Woods: I would be happy to re-circulate that information to folks. But we have submitted it to all three parties. We have submitted it to members of provincial Parliament. We have submitted it to ministries as well, on several occasions. Unfortunately, discussions haven't gone much further than giving it over and people saying, "Thank you very much." So I felt that it was important to actually come here and have a conversation and a discussion with folks about—

Mr. Joe Dickson: Leave them something to remember you by.

Mr. Alastair Woods: Yes, and we have, several times.

Mr. Joe Dickson: I agree that there's too great a fluctuation in the rates. When I heard some of the previous speakers say \$10 versus \$30 an hour, working on the same floor—absolutely inappropriate. However, a quick comment: If I have two people in one of my categories, which we'll say is a pressman, or a press person, and the other two people are in digital, the one on press could

earn—pretty darn close—\$20, and another one could earn \$30 versus \$18 on digital and \$25 on digital. I want you to look at the comparison. There's a difference in what they produce and the size of the press they run, whereas what we were talking about and what the predecessors were talking about is that they're on the same floor doing the same job.

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Mr. Alistair Woods: Actually, that's what I'm talking about as well. Students under the age of 18 performing the same work in a workplace will receive a lower minimum wage than someone doing the exact same job who is over the age of 18, and this is what we oppose.

Mr. Joe Dickson: It's just that there are two sides to the story. Regardless of what was mentioned earlier, that's a deficiency that should be corrected—

Mr. Alistair Woods: There are no two sides to the story, unfortunately. We're calling for an end to differential minimum wage for two workers doing the same job who are different ages.

Mr. Joe Dickson: I appreciate your comment.

Mr. Alistair Woods: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Time is up. I apologize. We've got lots of delegations; I've been told to stay strictly on schedule.

Mr. Taras Natyshak: Point of order.

The Chair (Mr. Grant Crack): Point of order.

Mr. Taras Natyshak: Chair, just for a point of clarification: I don't believe that it's required or mandatory that folks who are giving oral testimony provide any written form. Can we just get a clarification for that?

The Chair (Mr. Grant Crack): There is no requirement.

Mr. Taras Natyshak: Very good. Thank you.

The Chair (Mr. Grant Crack): Okay. Thanks again.

Mr. Alistair Woods: Thanks very much.

The Chair (Mr. Grant Crack): We appreciate it, Mr. Woods.

LAW COMMISSION OF ONTARIO

The Chair (Mr. Grant Crack): Next we have the Law Commission of Ontario. I believe Mr. Andrew Pinto is here; he's a board member. Welcome, sir. You have five minutes to make your presentation, followed by three minutes of questioning from each party.

Mr. Andrew Pinto: Good afternoon, Mr. Chair and members of the committee. My name is Andrew Pinto, and I'm a member of the board of governors of the Law Commission of Ontario. In my brief remarks today, I propose to do three things. One is to tell you a little bit about the Law Commission of Ontario; secondly, to tell you about the commission's relevant and important report on vulnerable workers and precarious employment; and to comment on Bill 18 to the extent that our commission has made recommendations relevant to that.

Before I do, I want to clarify that my remarks today are in respect of being a member of the board of the law commission, but I also come to you from the perspective

of an employment lawyer who has practised for about 20 years, and on both sides. I've represented employers, I've represented employees, I've represented unionized workers and I've represented management, so, really, on a day-to-day basis, I see some of the issues that are before you in Bill 18, and that are addressed in our report.

Let me tell you a little bit about the Law Commission of Ontario. I want to emphasize to you that we are an independent agency, created in 2007. I'm not going to go through all of the details, which are in a handout I've provided to you—I believe it was electronically provided to you as well—but the key point is that the law commission is here to try to make the law more accessible and understandable to Ontarians. We are funded by a number of partner agencies, specifically the Law Foundation of Ontario, the Ministry of the Attorney General, Osgoode Hall Law School and the Law Society of Upper Canada, all of which are parties to an agreement that allows us to act independently. York University also provides support.

Our mandate is really to speak through our reports. In part of the handout that has been provided to you, we have indicated what previous work we've done and what work we are about to do. It's a very exciting place to be, and certainly anything to do with employment, the economy and workers is very close to our heart, because we know that this is the lifeblood of what you do as legislators, and we are here to help you.

Because my time is limited, let me move to telling you about our Vulnerable Workers and Precarious Work Project. We had about 75 written deputations from a variety of worker, employer, union and organizational representatives, and a number of academics who write in this area were involved. It was a bit surprising to me as a board member that studies and people who look in this area have suggested that something like up to 33% of Ontarians who are working may be engaged in precarious work.

Now, I won't go into the somewhat technical definition, but in the report we look at certain indicia of precarious employment, which include not being unionized, not having a pension, being in a small organization and having a low wage. Of course, no one of those things necessarily makes you a vulnerable worker, but depending on the definition you use—if you use three out of the four definitions or if you take minimum wage plus some of those other definitions—something like 22% to 33% of working Ontarians work in this low-paid sector. That's where, of course, Bill 18 is trying to make at least somewhat of a difference.

Our report was organized into low-cost and probably easy-to-make recommendations, medium-term recommendations and long-term recommendations. Our recommendations are directed to the Ministry of Labour, they are directed to government, and they're also, in some cases, directed to unions and employer organizations.

The overall message of our report is that there has been a sea change in the economy—which I'm sure you, as legislators, fully appreciate—and the law has to keep

up with those changes. We are pleased that some of the recommendations in our report have, in fact, been adopted by your committee.

I see I am running out of time, but what I will highlight to you is that the provision dealing with giving out the employment standards poster—not just posting it in the workplace but actually distributing it to new employees—is in the bill. The revival and the consultation with a minimum wage review committee was effectively done in July 2013 by this government. As well, the extension of the deadline on employees being able to file their complaint past the six months—we had, in fact, asked for a discretionary deadline, but we see that the proposed bill asked for up to two years.

I'll stop there because I'm interested in taking your questions.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Pinto. We will start with Mr. Natyshak from the third party, the NDP.

Mr. Taras Natyshak: You referred to a sea change in the economy. Tell me what you think has created the sea change in the economy.

Mr. Andrew Pinto: What's created the sea change in the economy is, to some extent, the loss of manufacturing jobs, not only in Ontario, but in many advanced industrial sectors, because we are really in a globalized economy.

Mr. Taras Natyshak: What do you believe has led to the loss of manufacturing sector jobs?

Mr. Andrew Pinto: I think there are complex reasons, but they include technological change. They include, literally, a globalized workplace. Free trade agreements have both opportunities and challenges within them for how Ontarians compete in a world economy.

Mr. Taras Natyshak: Do you believe governments, both federal and provincial, have adequately addressed the apparent sea change due to some of those factors?

Mr. Andrew Pinto: I think what our report is suggesting is that there have, of course, been different kinds of attempts by different governments of different stripes to do that, but our job at the law commission is really just to focus on one aspect of that: What does the law actually say and how could it be improved?

In our report, we're obviously saying that the law can be improved by doing a number of things such as increasing the level of education and awareness of minimum protection standards for most working Ontarians.

Mr. Taras Natyshak: Do you believe that this sea change actually translates into what is widely known as income inequality or income insecurity or the widening gap? Do you believe that those are correlated?

Mr. Andrew Pinto: Having read our report—and I encourage you to do so—I'm not sure. We definitely track, and there are some very interesting statistics to track; for instance, a change in the number of temporary workers, the number of foreign workers—which has clearly increased—and the change in the minimum wage, which on the one hand has increased significantly in this province from 2003 to now. But at the same time, when

you unpack the components of it, a number of people are still right at the bottom at that minimum wage.

Mr. Taras Natyshak: It's all well and good to inform, and that is an instrumental component in knowing your rights and also responsibilities as an employer, but are we doing a good enough job on the enforcement side? We have rules, but we need people to police them. Are we failing there?

Mr. Andrew Pinto: One of the things we've said in recommendation 10 of our report is that we think there is one important thing you can do, which is to increase the proactive enforcement within employment standards and other types of employment and labour legislation.

Mr. Taras Natyshak: How much time?

The Chair (Mr. Grant Crack): Seventeen seconds.

Mr. Taras Natyshak: Anything else? Final comments?

Mr. Andrew Pinto: No. We find much to be commended in Bill 18. We're not here to comment in a universal way on the bill, but I think that there are at least three or four of our recommendations which appear to have been directly incorporated into Bill 18, and we are certainly pleased with that.

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Mr. Taras Natyshak: Thank you.

The Chair (Mr. Grant Crack): Thank you. We'll move to the government side. Ms. Kiwala.

Ms. Sophie Kiwala: I'm a new MPP. Previous to being an MPP, I was a business owner in the late 1980s. At that time, I paid my workers \$15 an hour. From all of the conversations that I'm hearing in this room today, I'm understanding all sides of the issues, I think.

I was wondering if you can now talk to me and the committee about balance. Obviously, we're in a deficit situation. We're concerned about being responsible to taxpayers. It's always a bit of a balance. I do get all sides of this picture, but I'm just wondering if you can comment on some of the positive things that you see with respect to the balance between the needs of business owners, continuing to contribute to the economy, and being fair to our workers at the same time.

Mr. Andrew Pinto: Sure. I can certainly speak to that.

One of the interesting perspectives in our report is how employer groups often characterize the issue, versus workers. For most employers, and I also say this based on my experiences representing employers, they see the question as one of a relatively equal bargaining relationship with their employees. They want their employees to be partners in their growing business or organization, and often, they don't perceive themselves as this heavy-handed corporation that can have great power over their employees. Unfortunately, employees are often reticent to stand up for their rights.

What Bill 18 is trying to do—I'm not going to comment on whether it does it completely successfully or not, but certainly what we say in our vulnerable workers report is that there is quite a lot of low-hanging fruit, in terms of improving the Employment Standards Act and

some of that other employment and labour legislation, before we even get to the really contentious, almost philosophical perspectives, whether you're business-oriented or worker-oriented.

Things as basic as giving employment standards information about rights to new employees is a very easy thing to do. We think that increasing the six-month deadline to something more—we called for a discretionary deadline—so that workers who haven't been paid don't have to commence their claim while they're still with that employer, because for the most part that's very hard to do; once again, that's not necessarily a high-cost thing to do. In our report, we have identified—we've tried to identify, at least—some of the short-term, medium-term and long-term ways of doing that.

The Chair (Mr. Grant Crack): Thank you very much. That's right on the three minutes. We appreciate it. Mr. Pettapiece.

Mr. Randy Pettapiece: I just have a couple of thoughts I want to pass your way. We also have a small business at home. My wife runs it. We've been of the opinion for the last number of years that we pay our employees—and we only have three girls who work for us—more than what the market is or more than minimum wage, I'll put it that way; we've had those employees around for 20-some years. In your line of work, are owners doing this on their own or are most owners being forced into wage increases for their employees?

Mr. Andrew Pinto: I have to admit that's a difficult question to answer because it can be quite industry-specific, depending on if you're talking about a relatively small operation, such as yours, or if you are talking about a much larger enterprise.

But the kernel of your question, which is something that should never be forgotten, is that we're talking about the bare minimum here, generally, with employment standards. That doesn't speak to what good employment or human resources practices are. Certainly one thing that I say to my clients, but I think is inherent in the law commission's report, is that there is a connection between good employment practices beyond the minimum standard so that you have a more permanent, stable workforce that is continuing to work with you. There have clearly been studies indicating that the loss of the worker just causes employers a lot of—they have to start again, effectively. That's generally not a good thing, but sometimes they have to do that.

Mr. Randy Pettapiece: Yes. I think what we've gone through since 2008 has certainly had an effect on employee-employer relationships. There are more people working on minimum wage in this province than there ever were before because of changes in businesses.

I'm just wondering, has there been enough consultation, in your mind, on this type of thing that we're discussing here today?

Mr. Andrew Pinto: I think there's a lot of consultation, but it appears that what happened in 2008 has made the stakes much higher for all sides. Employers say, "How can we increase wages when we're just getting

by?" Employees say, "Well, if you're not getting by, then how am I getting by?" I'm hoping that as we move away from 2008—and there's some indication that, certainly on a global scale, the economy is not in the type of crisis that it was in 2008—we can get back to a more medium-term and long-term discussion about what it makes sense to put into law in the long term. I think Bill 18 has some of those ingredients to make that happen.

The Chair (Mr. Grant Crack): Thank you very much. We really appreciate you coming before the committee this afternoon.

Mr. Andrew Pinto: Thank you.

MIGRANT WORKERS ALLIANCE FOR CHANGE

The Chair (Mr. Grant Crack): Next, from the Migrant Workers Alliance for Change, we have Mr. Syed Hussan, who is the coordinator. I'd like to welcome you at this time.

Mr. Syed Hussan: Thank you.

The Chair (Mr. Grant Crack): You have five minutes. Welcome.

Mr. Syed Hussan: My name is Hussan and I coordinate the Migrant Workers Alliance for Change, or MWAC. MWAC is the largest migrant rights coalition in Canada. We're a coalition of faith groups, community organizations, migrant worker groups, unions, legal clinics and health service providers.

Today I'm here to speak to you about recruitment fees, which make up part of Bill 18. Temporary foreign worker members or migrant worker members of MWAC pay between \$3,000 to over \$10,000 just to come to work in Ontario. On average, workers pay up to two years of their salaries in their home countries to be able to come work here.

To get these huge sums of money, workers take loans, and often entire families go into debt. Sometimes these loans actually come from the recruiters themselves, who sort of moonlight as part-time loan sharks and part-time recruiters. As a result, when workers arrive here in the province, they do so with a massive debt burden and are unwilling to speak about most of their rights—be it stolen wages, bad housing, employer abuse, health conditions or housing conditions—for fear of being fired and swiftly deported. Deportation means returning home with massive debt, which would be a huge hazard not just for themselves, but also their families.

Today, Bill 18 before you includes provisions to expand protections in the Employment Protection for Foreign Nationals Act, what we call EPFNA, from caregivers to all temporary foreign workers, which means a ban on recruitment fees and a ban on seizure of documents. This change is an acknowledgement of all of the ways in which migrant workers are a permanent part of the Ontario economy and the pivotal role that recruitment fees play in reducing access to many workplace rights.

When EPFNA was first developed back in 2009, one of the things that it recognized was that caregivers, who

usually work between two to three years, would not be complaining about recruitment fees while they were at that work. At that time, the timeline for complaints in EPFNA was set to three and a half years.

Today, we're talking about expanding EPFNA from caregivers to all temporary foreign workers. Temporary foreign workers on average work for four years. Similarly to how we understood that migrant workers will not be complaining during the course of their contract, we need to now expand EPFNA's complaint timeline from three and a half years to four and a half years. Doing so will actually make Bill 18 fulfill what it sets out to do, which is to give some protection from recruiters.

To uphold the spirit and intent of this law, I want you to take a moment and step into the shoes of the migrant workers themselves. Migrant workers are extremely precarious. They come here, they stay in Canada, and they are tied to an employer. Other than caregivers, most people do not have the right to immigrate or stay here permanently. As such, a complaints-driven process that requires these vulnerable precarious workers to make complaints in and by itself will not work. It requires proactive enforcement.

For this, Ontario needs to turn to Manitoba, Saskatchewan and Nova Scotia, which are stepping forward with a really holistic approach. In Manitoba, the provincial government registers every employer that hires foreign workers. They license every recruiter that works in the province. Not only that, these recruiters and employers are jointly financially responsible, so if fees are paid, the money can be taken out from there and given to the workers.

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This system has been applauded not just by workers themselves but also by employers, because what it means is that both workers and employers know who are the rights abusers. People know they're following the law; the list is very public.

Ontario has the largest number of foreign workers in the country. We have a real opportunity here to set standards for the rest of the country. Once we've adopted and built on what Manitoba is doing, I think one of the gaps we need to think about is addressing the reality that migrant workers need a stay on their deportation to be able to assert their rights. Ontario needs to be able to expedite complaints that are happening under the ESA and under EPFNA and to negotiate and advocate for a stay on deportations while workers have their complaints move forward. Doing so will ensure stronger workplaces and a stronger economy.

The overall proactive enforcement system that I've laid out before you quite briefly, in terms of licensing of recruiters, registration of employers, anti-reprisal mechanisms and financial bonds, is out of the direct scope of the conversation today. I'm raising them to show our willingness to bring migrant workers to the table, to sit down with all parties to have a real, meaningful set of comprehensive changes, to get migrant workers to have the same rights as other workers in this province.

The extension of EPFNA from three-and-a-half years to four-and-a-half years is simple; it's a straightforward amendment. This committee can do it and I urge you to do so. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We'll start with the government side: Ms. Hoggarth.

Ms. Ann Hoggarth: First of all, thank you for coming. I met you yesterday as well. Yesterday we talked about recruitment fees too, and I told you that they no longer will be able to charge recruitment fees.

If recruitment fees are charged before you get to the country—is that what you were saying, that they're charged before you get to this country?

Mr. Syed Hussan: Recruitment fees are charged between a Canadian recruiter—employers in Canada usually reach out to a Canadian recruiter who has connections to a recruiter back home.

Ms. Ann Hoggarth: Okay, but this—

Mr. Syed Hussan: The money is split between the recruiters here and there. Ontario has the legislative authority to be able to mandate and license the recruiters here.

You said that under EPFNA, temporary foreign workers would not have to pay wages. I want to point out—

Ms. Ann Hoggarth: No.

Mr. Syed Hussan: Sorry, they would not have to pay recruitment fees.

Ms. Ann Hoggarth: Yes.

Mr. Syed Hussan: I just want to point out that EPFNA currently bans recruitment fees from caregivers, but over the last three years, very few caregivers have been able to get real protections. Just simply banning it, but not enforcing it, is not enough.

Ms. Ann Hoggarth: But they are going to enforce it. This is part of the change to the bill. They're going to prohibit recruiters from charging fees for every foreign national who is employed or is attempting to find employment in Ontario—any worker who is coming in under immigration or a temporary foreign worker program. There will be enforcement of that. It also prohibits reprisals by an employer or a recruiter.

Do you not see some positive aspects of this?

Mr. Syed Hussan: I absolutely think that it's a great thing that Bill 18 is expanding protections from caregivers to all foreign workers. What I'm saying is that the protections that caregivers have on paper—the statistics produced by the Ontario Ministry of Labour show that in the last three years, caregivers have only been able to recuperate \$12,000—all caregivers together. Obviously, recruitment fees are still being paid, and more steps need to be taken to ensure enforcement.

On the question of anti-reprisals: As you know, when you allege a reprisal in Ontario, you go through a process by which that is assessed. For migrant workers, by the time that claim comes up, they've been deported, because if you're without a job for six months, not with the employer you're tied to, you're excluded from the country.

What's happening is that these cases aren't actually being heard. They're not actually getting to the point where we can talk about reprisals.

Mr. Mike Colle: I have a quick question

The Chair (Mr. Grant Crack): No, that's time. Thank you. Sorry.

Mr. Mike Colle: Oh, just one little short one.

The Chair (Mr. Grant Crack): Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you, Chair. I'm not as familiar with this as certainly maybe other members are. The time frame involved for lodging a complaint to the completion is not long enough. Is that what you're saying?

Mr. Syed Hussan: Precisely. When the law was written, it was written for people who usually work on a two-to-three year contract. Now, it's been expanded to workers who have a four-year contract. We're asking that the time for complaints be extended, just by one year.

Mr. Randy Pettapiece: Okay. You mentioned six months there. What was that six months about?

Mr. Syed Hussan: Sorry?

Mr. Randy Pettapiece: When you were talking to Ms. Hoggarth, you said something about six months.

Mr. Syed Hussan: Under current federal immigration law, if you come as a temporary foreign worker and your permit is tied to a single employer, you can only work for them. You are essentially indentured to them.

If you leave that job because you are facing abuse, if you can't find another employer, you are kicked out of the country, sometimes within 90 days and sometimes longer. By the time complaints actually show up at the Ministry of Labour or whatever, the worker has left. In Alberta, Nova Scotia, Saskatchewan and Manitoba, essentially lots of other provincial jurisdictions, they've already created mechanisms to ensure that there are expedited complaints. In Alberta, there is a stay on deportation for 90 days. A temporary resident permit is issued every time a complaint is made. There are lots of ways for Ontario laws to actually not just catch up but, I would suggest, they need to be leading the rest of the country, considering the largest percentage of foreign workers in Canada are actually in Ontario.

Mr. Randy Pettapiece: Okay. Thanks, Chair.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Pettapiece. We'll move to Mr. Natyshak.

Mr. Taras Natyshak: Thank you so much for your presentation. You've presented to this committee, I believe, some really poignant and strong information about how EPFNA has actually failed in the sense of the oversight and enforcement of the provisions of recruitment fees. Of course, if they're banned through the caregivers, but they're still being taken away from them and we're not identifying them, then there's a failure in the enforcement side. Would you agree?

Mr. Syed Hussan: I think EPFNA, as it was designed, doesn't have many enforcement tools. In essence, it's doing what it said. It banned it, but it didn't—as long as there isn't proactive enforcement, particularly for vulnerable workers—I think multiple presenters have said it. I

would suggest that we need proactive enforcement on all employment standards, particularly here.

Mr. Taras Natyshak: Do you see the potential of this having the same result, if we're going to enact these measures that, on paper, as you said, seem to address the issue, but yet abandon the enforcement side? Are we just going to get into the same position?

Mr. Syed Hussan: The thing is we work with workers. Right? So when workers come to us now, saying, "We've paid recruitment fees," we're going to use whatever access exists. If forms are created and complaints can be lodged, we'll do it. The problem is that all of the workers we are in contact with now who have paid the recruitment fees don't have any protections. What you're giving us, essentially, is when this reaches royal assent, everyone who pays fees after that may be able to gain some protections.

We'll file and we'll see if it works, but what I'm really urging is sitting down and creating comprehensive changes in recruitment, but in all aspects of the ways in which migrant workers are exempted from basic protections.

Mr. Taras Natyshak: Are there firms that employ temporary migrant workers, foreign workers, that are doing the right thing, in your mind and your experience? Have you ever identified any that are doing the right thing, following the rules, taking care of their employees, giving them all the benefits of the Employment Standards Act, health and safety? Have you ever come across them?

Mr. Syed Hussan: I think, as I said, there are actually exemptions within the health and safety and employment standards for migrant workers. Right? There might be firms that are following the law, but that doesn't mean workers are actually protected and get all of the status and all of the basic dignity that I think should come with just being able to live here.

Mr. Taras Natyshak: Have you come across any that go above and beyond, in terms of the standards that are currently applied?

Mr. Syed Hussan: There are definitely small employers, people who might have one or two migrant workers who are working for them, because this is what we're talking about. Right? Each caregiver has one employer. Yes, there are some caregivers who are having quite dignified lives and are able to gain status, but many who are not.

In Ontario, when we're talking about temporary foreign workers, we're talking about farms, caregivers, restaurant workers, and often it's like an employer might have one or two workers and in some cases, you have hundreds. It's hard to say, "Here is your list of good employers."

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What I would suggest is that Ontario actually doesn't know who the employers are so it needs to register them, it needs to put out a list of them, and it needs to determine who is good and who is bad, because obviously the federal government isn't doing it. It falls here—

Mr. Taras Natyshak: And you're aware that there's a mechanism in Bill 18 that does that with temp agencies but not foreign workers?

Mr. Syed Hussan: Yes.

Mr. Taras Natyshak: Thanks.

The Chair (Mr. Grant Crack): Well, thank you very much, Mr. Hussan, for coming forward and presenting to the committee.

Mr. Syed Hussan: Thank you.

JUSTICE FOR MIGRANT WORKERS

The Chair (Mr. Grant Crack): Our next is a group called Justice for Migrant Workers. We have Chris Ramsaroop, an organizer, with us here this afternoon. I believe we have Jennifer Anderson by telephone as well. Welcome to you both.

Mr. Chris Ramsaroop: Thank you.

The Chair (Mr. Grant Crack): Hello, Jennifer.

Ms. Jennifer Anderson: Yes, thank you.

The Chair (Mr. Grant Crack): How are you?

Ms. Jennifer Anderson: I'm good, thanks.

The Chair (Mr. Grant Crack): Great. So we have five minutes to make the presentation, followed by three minutes of questioning from each of the three parties. Welcome.

Mr. Chris Ramsaroop: My name is Chris Ramsaroop, the organizer with Justice for Migrant Workers. We're an all-volunteer group that works with migrant workers across Ontario as well as British Columbia. I'm going to turn it over to Jennifer Anderson, who is an organizer and who has been working, living and serving the community in the Leamington-Kingsville area. I want to take time for her to share her story, and then we're going to reiterate some of the demands that the Migrant Workers Alliance for Change and Workers' Action Centre have put forward. Thank you.

Jennifer, the floor is yours.

Ms. Jennifer Anderson: Okay. Hello. Good afternoon. My name is Jennifer. Recruiters and recruitment agencies overcharge potential migrant workers who are desperate to come to Canada to work. They collect unreasonable amounts of money from these workers for their so-called services. Most often these workers, like me, end up in poor housing conditions, among other things, and abusive employers upon arriving in Canada.

I came to Canada as an agricultural worker through a recruitment agency in Manila, Philippines, which was tied to a Canadian recruiter. I handed around US\$5,000 to the recruitment agency, and a portion of it was paid to the Canadian recruiter. The \$5,000 was supposed to cover equipment fees and my plane ticket to come to Canada.

On the day of my departure for Canada, the owner of the recruitment agency gathered me and seven other ladies and handed us some cash in US currency wrapped in newspaper. We were instructed to keep it in our luggage and hand it to our Canadian recruiter once we

get to Canada. We were not told how much the money was worth.

Upon arrival in Canada, I and the other seven ladies were brought to an unfurnished apartment infested with cockroaches. Our company also deducted \$300 from our paycheques as a rental deposit.

I can go on and on about the poor living conditions migrant workers go through. I did not understand then the laws and the rights concerning migrant workers until later during my stay here in Canada. I realized that I could have applied to come to Canada and filled out the necessary paperwork on my own, rather than having paid \$5,000 for it.

My plane ticket to come to Canada was, by law, supposed to be paid by my employer, and my accommodation as a worker should also be provided by the company I work for. Most often, employers and recruiters work together. In my case, the recruiter was in charge of assigning us workers to our accommodations, and the employer pays our rent.

Employers often know of the additional fees recruiters charge to their workers. When a worker complains to the employer about these fees and other unfair treatment, the worker is punished by being sent home.

Migrant workers have debts to pay; that includes loans they took out for paying recruitment fees. They have families to support back home and no job in their native country to go back to. That's why they would pay the high recruitment fees and take the abuses quietly rather than be sent home.

These are some reasons why recruiters need to be licensed and employers registered in the province of Ontario. New laws should be passed and enforced to protect foreign migrant workers from abusive employers and unfair practices of recruiters.

In addition, there should be a law that allows temporary foreign migrant workers to complain about unfair treatment without being sent home immediately by their employers. Workers with legitimate complaints should be allowed to continue to stay and pursue their complaints and not be sent home even after their work visas expire.

I believe that the proper laws concerning recruiters and abusive employers will make migrant workers like me feel more protected and treated with justice and dignity while working in Canada. Thank you so much for listening.

Mr. Chris Ramsaroop: So just to reiterate Jennifer's story, we are calling for stronger proactive enforcements. We believe in:

- joint and several liability, where both employers and recruiters are held responsible;

- strengthen anti-reprisal mechanisms, so when workers do stand up for their rights, they are not sent home or left in further precariousness;

- registering and licensing of employers and recruiters; and

- extension of timeline limits to file complaints to five years.

We do believe this bill is important. What we want to add to our voices to is to strengthen this bill so that

migrant workers are provided with the full protections they need both in the workplace and in their communities.

To close, workers like Jennifer have marched. They have talked to members of Parliament. They have done deputations. They have done stories to the media. They have done everything they can to bring forward this issue. Attributing to the important work that they do—yes, we have to support this bill, but we have to strengthen it to make sure that all vulnerable workers are provided the protections they need.

The Vice-Chair (Mr. Joe Dickson): Thank you. We will go to our first member, and that will be Mr. Pettapiece from the PC Party.

Mr. Randy Pettapiece: Thank you for coming here today. Jennifer, are you in Kingsville? Is that where you're from?

Ms. Jennifer Anderson: I'm from Leamington, sir.

Mr. Randy Pettapiece: Oh, okay. Well, I went to high school in Kingsville.

Ms. Jennifer Anderson: Oh.

Mr. Randy Pettapiece: I considered Kingsville had a better high school than Leamington did, but anyway.

You went over a lot of the things that have been previously pointed out to this committee, and I think you're looking for mostly a stronger enforcement of what rules are there, plus a few extra ones put into this act to strengthen your position in the migrant worker business. Is that what we're seeing here?

Mr. Chris Ramsaroop: That is correct. It's to fully understand and appreciate that it's both recruiters and employers who have a control over workers. Therefore, yes, we could have one piece of legislation that goes after recruiters, but the employers should also be held responsible. We think this is critical, and it's something that the committee should be addressing in addition to proactive enforcements. Snap inspection models, where ministry officials go into workplaces rather than the individual complaints process, will benefit more greatly. It puts workers at less of a risk when they need to come forward.

Mr. Randy Pettapiece: Are you finding—I don't know how to put this—the numbers of complaints or numbers of issues growing in Ontario, or are people trying to comply with what they are working with right now?

Mr. Chris Ramsaroop: From my perspective, I know of workers who have filed workers' compensation claims, for instance, and within a week or two weeks afterwards they've been sent home for simply trying to do a workers' compensation.

I know people who would like to file employment standards complaints, but when they're given the choice between coming back the following year under the seasonal ag work program or never coming back again, they're putting their rights at risk, and their health and safety at risk.

So I think the context that we have to understand is that because people are tied to an employer, because they are dependent on work and living conditions here, on the

employer here in Canada, a lot of people are not exerting their rights. The workers we do know who are exerting their rights are being faced with reprisals.

Mr. Randy Pettapiece: And you know this is happening?

Mr. Chris Ramsaroop: Absolutely.

Mr. Randy Pettapiece: Okay. Thank you.

The Vice-Chair (Mr. Joe Dickson): Thank you, Mr. Pettapiece. We will now go to Mr. Natyshak from the NDP.

Mr. Taras Natyshak: Hi, Jennifer. Can you hear me?

Ms. Jennifer Anderson: Yes, sir.

Mr. Taras Natyshak: Thanks, Jennifer, for your deputation. Do you believe that Bill 18 adequately addresses the issue of the charging of recruitment fees? Do you believe that it fixes the issue?

Ms. Jennifer Anderson: I believe that licensing the recruiters and registering employers in Ontario will be helpful for migrant workers, especially for migrant workers who face abuse and who are forced to pay high fees for coming to work in Canada.

Mr. Taras Natyshak: As you've heard, or as you may know, the banning of recruitment fees for temporary caregivers has previously been done, yet we still find instances of recruitment fees being charged. Are you fearful that we could see the same scenario play out when it comes to migrant workers?

Mr. Jennifer Anderson: Yes. I'm pretty sure about that, because even if we have laws, it would be good if it was strictly enforced, because migrant workers often do not speak up even if they paid high fees or are being abused, because they fear that they will be sent home. There is nothing to protect them from being sent home if the employer tells them that you're fired and you've got to be going home since you filed complaints. That often happens.

Mr. Taras Natyshak: Okay. Chris, could you tell me—give me a scenario. Tell me what it would be like for a migrant worker in Ontario today under current legislation to lodge a formal complaint under the Employment Standards Act.

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Mr. Chris Ramsaroop: If you're doing it in a community like Simcoe, or even Chatham, your day starts at about 7 o'clock in the morning and ends at about 7 p.m. You're probably an hour, or maybe 45 minutes, away from a main town, so information, getting to the place, having the ability to fill out the forms—and also, if you do try to fill out a form, you're probably going to be disbarred from the program.

We know of a case in the Kingsville area, a human rights complaint where a migrant worker named Adrian Monroe faced racial harassment in the workplace. When he stood up for his rights, the employer basically had him on a plane the next week or the week after.

So there is anecdotal evidence of workers who do try to file complaints, and they are penalized. Right? And even if they're not penalized directly, the consistent threat of being penalized or facing reprisals of never

coming to work in Canada and losing that work, is a significant obstacle.

Mr. Taras Natyshak: Does current law not require the employee to engage the employer prior to a formal complaint being levied through the Employment Standards Act?

Mr. Chris Ramsaroop: That is correct, and—

The Vice-Chair (Mr. Joe Dickson): Thank you, Mr. Natyshak. I have to go on now to the next speaker, and that is Ms. McMillan.

Ms. Eleanor McMahon: McMahon. Thank you, Mr. Chair.

The Vice-Chair (Mr. Joe Dickson): A pleasure.

Ms. Eleanor McMahon: Thank you for your deputation. I apologize for my bad cold.

Mr. Chris Ramsaroop: It's quite all right.

Ms. Eleanor McMahon: Thank you, Jennifer, for your deputation, as well. I'm actually from the Windsor-Essex area originally.

I just had a question. I want to build on my colleague's comments about anti-reprisal measures. I want to ask you to talk a little bit about what that might look like from your point of view, in terms of strengthening the legislation.

I just want to draw to your attention as well—forgive me if you knew this already, but we have expanded the definition. In the legislation that is proposed, we are looking at prohibiting reprisal by an employer and recruiter by amending or removing the reference to “as a live-in caregiver or in other prescribed employment,” so that the prohibition would apply and is broader. I'm hoping that that gives you some level of comfort; if it doesn't, why not, and what would that look like to you?

Mr. Chris Ramsaroop: Thank you very much for the question. With respect to both employment standards, and I'll also speak about health and safety, if there is an expedited process—before workers return to their home country, they actually have the ability to have their case heard. A lot of times, what we do see is that the workers are basically sent back—“repatriated” is the sanitized version of what they use for deportation.

Ensuring that there's an expedited process, ensuring that workers have the ability to find other forms of work and, I think, even before the problems exist, proactive enforcement where ministry officials can and are able to go onto properties and figure out and fix problems before they go further. Just to reiterate, I know where Taras was going: for us to understand the power dynamics of this whole issue.

Ms. Eleanor McMahon: Sure.

Mr. Chris Ramsaroop: Right? The power dynamics are extremely important. There is not currently a level playing field between migrant workers and employers. I think it's about strengthening, emboldening and ensuring that migrant workers can exert their rights.

Expedited processes, proactive enforcements and ensuring that migrant workers are able to find other work here in the province of Ontario: These are steps that could be enacted to help in the situation.

Ms. Eleanor McMahon: Okay. Another question—

The Vice-Chair (Mr. Joe Dickson): Further?

Ms. Eleanor McMahon: Thank you. Forgive me, because I'm a new MPP, as well, and I'm getting up to speed on these issues, but when you talk about an expedited process—can you tell us a little bit about what the process looks like now, so I get a general sense of where you're going?

Mr. Chris Ramsaroop: In addition to the process that exists, there could be up to a year—or two and a half years, I think, right now—to file an employment standards complaint. But with a migrant worker, if, for instance you have filed a complaint—say a worker files a complaint today, October 30; they are returned back to their home country, whether it's in the Caribbean or Mexico, with the Seasonal Agricultural Worker Program.

With migrant workers, there are two aspects: there are seasoned agricultural workers and temporary foreign workers—the pilot project.

The Vice-Chair (Mr. Joe Dickson): Ten seconds.

Mr. Chris Ramsaroop: The workers were probably banned. They probably will not be able to engage in the process, because they're going to be in another country, and they probably won't get a work permit or a visitor's visa to return to fight their cases.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Mr. Ramsaroop. Thank you, Ms. McMahon. I would like to thank Ms. Anderson and you, sir, for your presentations today. They were very informative, and I thank you.

ONTARIO HOSPITAL ASSOCIATION

The Vice-Chair (Mr. Joe Dickson): Our next presenters will be the Ontario Hospital Association. That will be a time frame of five minutes once you're situated. If I may get your names.

Ms. Emma Pavlov: Good afternoon. My name is Emma Pavlov. I'm the senior vice-president of human resources at University Health Network.

The Vice-Chair (Mr. Joe Dickson): Thank you, Ms. Pavlov.

Ms. Rachel Bredin: I'm Rachel Bredin, a health and safety consultant for the Ontario Hospital Association.

The Vice-Chair (Mr. Joe Dickson): Thank you, Ms. Bredin. You have five minutes for your presentation. Good to have you here.

Ms. Emma Pavlov: Thank you.

I'm here on behalf of the Ontario Hospital Association and would like to start off by saying that the OHA supports the government's desire to promote fairness in the workplace and to protect vulnerable workers. In particular, we commend the government action on the minimum wage. Hospitals have a unique position with respect to Ontario's workforce. Collectively, hospitals employ a large number of workers in the Ontario broader public sector.

The OHA would like to share feedback raised by our members about Bill 18's potential impacts. As it is

currently drafted, Bill 18 could deter hospitals from engaging unpaid learners and may also hinder the use of temporary employees, who are essential to hospital operations, particularly in smaller communities. The OHA's recommendations relate to these two broad areas.

First, with the regard to proposed amendments to the Occupational Health and Safety Act: Ontario's hospitals engage large numbers of unpaid learners or students; actually, thousands of nursing students, allied health and medical students and student researchers each year. Many hospitals also host students participating in secondary and post-secondary school co-op programs, secondary school community hours and other student work experience programs. Educating future health care providers and conducting innovative research to further our health care system are very important parts of hospital work.

Bill 18's proposed amendments to the Occupational Health and Safety Act would include unpaid learners within the definition of "worker" under the Occupational Health and Safety Act. The OHA supports ensuring workplace protections and appropriate training for unpaid learners. As with all individuals working on their premises, hospitals already ensure that unpaid learners receive the necessary training to ensure their safety for the positions that they hold. We believe that the role of unpaid learners is distinct from workers and should be reflected in the Occupational Health and Safety Act. In many instances, students' educational institutions are better placed to provide the relevant training, and the bill may preclude that. The OHA is concerned that including unpaid learners within the definition of "worker" will remove flexibility to tailor training to students and to collaborate with students' educational institutions regarding training.

With regard to the second proposed amendment to the Workplace Safety and Insurance Act: Many hospitals also rely on temporary employees in nursing, clerical and other positions to ensure that they can provide patient care 24 hours a day, seven days a week. Bill 18 would significantly increase liabilities for clients of temporary help agencies. Such disincentives have the potential to limit operational flexibility for hospitals. We are concerned that this may impact the viability of current staffing arrangements and patient care. This may be particularly challenging for hospitals in small rural and northern communities where they are already facing existing staffing challenges.

Additionally, we would encourage the reconsideration of the proposed amendment to the Workplace Safety and Insurance Act automatically transferring injury costs from the temporary help agencies to client employers. From our perspective, the proposed amendments would create unnecessary costs and administrative burden in situations where the workers are not vulnerable, such as registered health professionals working in hospitals. It could also create costly and administratively complex situations such as the management of the worker's early and safe return to work. The amendments to the WSIB may not be necessary, as the WSIA currently allows for a

transfer of costs between temporary help agencies and the client where the client employer is deemed negligent and at fault for the employee's workplace injury.

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In conclusion, the OHA supports efforts to ensure safe and fair working conditions for all Ontarians, and our interest is to ensure that the government's legislative and policy direction meets this need effectively.

Thank you, and we'd be happy to take any questions.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Ms. Pavlov. We'll now go to the legislative members. I'll commence with Mr. Natyshak from the NDP.

Mr. Taras Natyshak: Thank you, Chair—Natyshak. Not a house, not a barn, not a shack. There you go.

The Vice-Chair (Mr. Joe Dickson): Natyshak.

Mr. Taras Natyshak: There you are.

The Vice-Chair (Mr. Joe Dickson): Not Caddyshack; Natyshak.

Mr. Taras Natyshak: Sometimes Caddyshack. I hope that doesn't cut into my time, Chair. Thank you.

Thank you for your presentation. To start backwards, to the beginning: The OHA would rather exclusively be under the purview of the WSIA, which would then make it civilly liable in a negligence or at-fault system, rather than be under the coverage of the WSIB, where there would be a no-fault position. Yes?

Ms. Rachel Bredin: No, we're simply stating that the WSIA, as it is currently written, has provisions for the transfer of costs to already occur instead of the change requiring an automatic transfer.

Mr. Taras Natyshak: But should a workplace accident occur in one of our hospitals, you would then become civilly liable under the provisions of the WSIA and without the blanket coverage of the WSIB.

Ms. Rachel Bredin: We agree with the current coverage of the WSIB. We feel there is no requirement for a further automatic transfer of cost as suggested in the amendment—

Mr. Taras Natyshak: Okay, I've got to get some clarification for that. Workplace learners, as you referred to them—do they do duties that are within the parameters of other employees at our hospitals?

Ms. Emma Pavlov: No. They're students who are being trained to become doctors, nurses—

Mr. Taras Natyshak: So they're not relied upon to do any type of duties, anything? Are they just shadowing, or are they actually doing work that would be under the same workload as someone else?

Ms. Emma Pavlov: They have a very customized experience where they are training. It's not that they don't do any work; they do work under the supervision of someone else while they're being trained.

Mr. Taras Natyshak: You referenced that you rely on them to provide 24/7 coverage. Also, you alluded to the fact that it would affect the operating cost for hospitals and your ability to recruit and to have these people in. Is there a financial loss to not having these students come in and add that value or add to the workforce?

Ms. Emma Pavlov: We would always want to have students come to the organization; we would always want that. What we are saying, though, is that we have health and safety training for students that is a little different than it is for all employees who are there on an indefinite basis. If we are now going to consider them, as Bill 18 is suggesting, as workers, as regular employees, we would triple or quadruple the amount of training that we would need to do.

Mr. Taras Natyshak: Would you agree that, regardless of the workplace training, just for the reason that they are in the same environment as other workers, exposed to other elements within a hospital—as we know, Ebola is here. Would you not agree that they are exposed—

The Vice-Chair (Mr. Joe Dickson): Thank you, Mr. Natyshak. We will now go to the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you very much for your deputation. Having been in the school situation, we very much rely on our co-op students. As a matter of fact, I ended up hiring someone who had been my co-op student to be a constituency assistant, and she's wonderful. If I had not had her in that position, I would not have known what a wonderful worker she was.

However, I believe, and I hope you do too, that they should have all the protections that everyone else has, because they do perform work. When she was in my classroom, she performed a lot of work that I would do, other than writing report cards and things like that—keeping records. I believe that in hospitals, nursing students and people who are being trained for X-ray and all different lines of work do perform work, do they not?

Ms. Emma Pavlov: Yes.

Ms. Ann Hoggarth: Okay. Thank you.

The Vice-Chair (Mr. Joe Dickson): Further on the government side? Additional questions? Yes, Ms. Mangat.

Mrs. Amrit Mangat: Do the members of your organization employ temporary workers?

Ms. Emma Pavlov: Hospitals employ—

Mrs. Amrit Mangat: I mean temporary agency workers. Sorry.

Ms. Emma Pavlov: Yes. Hospitals sometimes hire people through temporary agencies to fill short-term gaps or critical skills that they need for the short term, where they can't find staffing. It happens in our organizations, but particularly in remote communities. So it is an issue.

Mrs. Amrit Mangat: Can you elaborate when and what time?

Ms. Emma Pavlov: I'm sorry?

Mrs. Amrit Mangat: When and what time do you hire temporary agency workers?

Ms. Emma Pavlov: When—

Mrs. Amrit Mangat: Busy times, or you—

Ms. Emma Pavlov: Sometimes, it's when we have people off sick, when we have more patients or we have a situation where we don't have enough staffing, then we

might need to bring somebody in in order to make sure that we have 24/7 coverage. It's usually short term.

Mrs. Amrit Mangat: Thank you.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. I will add 24 seconds to the time of Mr. Pettapiece from the PC Party.

Mr. Randy Pettapiece: Thank you, Chair. I come from a small rural community—I live north of Stratford in Perth county—so I understand some of your concerns here with small, rural and northern communities.

It's easy to say in any type of legislation that is proposed that costs are an issue, and that you are frightened, maybe, of some unnecessary costs associated with this type of legislation, especially in this paragraph that deals with the WSIA, the Workplace Safety and Insurance Act. Have you done a study or do you have any idea of the figures that are involved that might impact the hospitals?

Ms. Rachel Bredin: We haven't done a financial study of it. However, we do consistently and our members consistently—

Mr. Randy Pettapiece: I'm sorry—

Ms. Rachel Bredin: Sorry, our members very closely address their WSIB costs. They now analyze them very closely and they're very aware of what those costs are. They are looking at the potential additional liabilities associated when they're not able to control the costs of temporary agency workers and their early and safe return to work.

Mr. Randy Pettapiece: So you have some—there might be figures we could look at or which might be documented that you could send to this committee?

Ms. Rachel Bredin: Unfortunately, I do not have any of them. I have not—

Mr. Randy Pettapiece: Do you have access to them, though?

Ms. Rachel Bredin: At this time, I'd have to get back to you and let you know if we could find something.

Mr. Randy Pettapiece: No, that's fine. If you would, that would be great.

Ms. Rachel Bredin: We could look into it and see if there are some available, but as far as I am aware, we don't know of any that are being collected across the sector.

Mr. Randy Pettapiece: I see. Okay, thank you.

The Vice-Chair (Mr. Joe Dickson): Thank you very much Mr. Pettapiece.

You had no further answer. Any further comments?

Ms. Emma Pavlov: I just wanted to clarify something about students, because I'm not sure that I was very clear. All hospitals have orientation for all staff, including students. They get a lot of training on risks that they are going to face, on patient handling, on fire and life safety, and on violence in the workplace. It is not that students do not get training; they get a lot of training. They get a lot of corporate training that everybody gets, and then students get training that is tailored to the role that they're going to have. We have some students who are around for two weeks. They cannot get the same training as somebody who is going to be here for a year,

because if we spend that much time on training, they will have no time to spend on what they came here for: to learn, to increase their knowledge. There is sort of a balance, where you need to train students, but in areas of risk that will affect them. So we tailor it.

The second important point is that some of the training is done by the educational institutions—

The Vice-Chair (Mr. Joe Dickson): I would just take—you're at the end of your time, but I would wholeheartedly concur with you, having a wife who is an RN and has been for many years. So keep up the good work.

I would like to thank you, Ms. Pavlov and Ms. Bredin. I really appreciate your time here; we all do. We look forward to speaking to you again. Thank you.

Ms. Emma Pavlov: Thank you.

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MR. WEIGUANG WU

The Vice-Chair (Mr. Joe Dickson): Our next guests are—and I hope I can pronounce this correctly, but I'm sure if I don't, I will be corrected—Weiguang Wu. Am I close?

Mr. Weiguang Wu: You are right.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. And with you?

Mr. Jian Zhang: I am the friend on hand, just in case he doesn't understand the questions, so I can translate.

The Vice-Chair (Mr. Joe Dickson): Please be seated and make yourselves comfortable.

Mr. Weiguang Wu: Thank you.

The Vice-Chair (Mr. Joe Dickson): We welcome you, and we are under way. You have five minutes for your presentation.

Mr. Weiguang Wu: Dear members of the Standing Committee on General Government: My name is Weiguang Wu. I immigrated to Canada and settled in Toronto in 2002. I have had a lot of experience working for different temp agencies. It was not because I like to work for temp agencies. It was because I had no choice. I don't want other workers to go through the same experience. That is why I am here today to tell my story to you, who have the power to make a difference in ordinary people's lives.

I still remember clearly how hard I tried to find a job to support my family as soon as I settled in Toronto. I visited many factories and companies, asking if the companies were hiring workers. The answer was, "Yes, we are hiring workers now, but you have to sign a contract with our temp agency and cannot sign the contract directly with us." So I had to sign the contract with the temp agency in order to have this job, for survival.

I'll give you one example of my experience. In 2008, when my fellow workers and I did not get public holiday pay, we asked the temp agency why. The answer was, "Because the client company did not pay us for your holiday pay." Then we asked the client company. The answer was, "We have already paid the money we should pay to the temp agency." We got pushed around between the temp agency and the client company.

We worked every day at the client company, and everything for us at work is controlled by the client company.

It is very clear to me that in the relationship between temp workers, the temp agency and the client company, the real power is held in the hands of the client company.

Everyone knows that temp agency workers are paid less than the directly hired workers. I think temp agency workers should get paid the same wages and get the same benefits for doing the same work as directly hired workers.

Bill 18 suggests holding temp agencies and client companies both responsible for unpaid wages and unpaid overtime payments. It is a good start. However, it is not enough. It is reasonable and fair that a client company, which is the real employer, and the temp agency are jointly responsible for all violations of workers' rights under the labour law. This will help workers to get basic rights in the workplace.

My three suggestions for Bill 18 are as follows:

(1) Hold both the client company and the temp agency jointly responsible for all workers' rights, not just for unpaid wages and overtime payments. Every single right should be respected. Don't pick or choose.

(2) After a four-week qualifying period of working for the client company, the client company has to make a decision if this worker will be hired directly or leave the company for not qualifying.

(3) The client company cannot refuse a worker directly applying for the job by saying, "You have to sign a contract with the temp agency in order to get this job."

Thank you very much.

The Vice-Chair (Mr. Joe Dickson): Thank you. You still have 30 seconds. Would the gentleman with you care to make a comment?

Mr. Weiguang Wu: I still have 30 seconds?

The Vice-Chair (Mr. Joe Dickson): Well, now it's 20.

Mr. Weiguang Wu: Okay. I think the temp agency does not create social value. The workers, if they work for a temp agency—I think to some meaning—they are forced to donate money to the temp agency—

The Vice-Chair (Mr. Joe Dickson): I appreciate your comment. Now it's zero. Thank you for that.

We would go, number one, to the government side and comment: Mr. Dong.

Mr. Han Dong: Thank you, Mr. Chair.

Thank you, Mr. Wu. Wu Weiguang? Okay. Thank you for the presentation. I think that was very straightforward. I see that you got a little emotional at the end about that.

My question, first, is, have you had any experience that was unpaid, as a temp worker, or do you know anybody whose pay was taken away because of temp agency involvement?

Mr. Weiguang Wu: For myself and the other workers, when we worked for a temp agency, as I mentioned, I was not paid holiday payment at that time. When we asked both of them, with no results, I and the other

workers made a claim to the Ministry of Labour. In the first judgment, we were not entitled to get the holiday payment. Then only two of us made appeals, and then we won. We got the money back.

Mr. Han Dong: On that note, how much money were you making and how much money were you owed? Do you remember?

Mr. Weiguang Wu: For me, it was more than \$700.

Mr. Han Dong: How much did you get back?

Mr. Weiguang Wu: I got the total back.

Mr. Han Dong: You got the total back. Okay. My next question is, do you believe that this Bill 18 that we're proposing—had Bill 18 existed back then, would that have helped your situation?

Mr. Jian Zhang: *Remarks in Mandarin.*

Mr. Weiguang Wu: *Remarks in Mandarin.*

Mr. Han Dong: Okay.

Mr. Weiguang Wu: Yes.

Mr. Han Dong: Okay. That's good.

The Vice-Chair (Mr. Joe Dickson): Thank you. Did I see another question there? Ms. Hoggarth?

Ms. Ann Hoggarth: Yes. Thank you very much for your presentation. I do know, having been involved with labour before as a union leader, how difficult it is, particularly for people who do not have full-time jobs, to come forward and tell about what has happened to them, and particularly to make a complaint against an employer, because if they are bad employers, there may be retribution.

The good thing about this bill is that we are going to try to deal with people who seek reprisal against their employees for complaints. I hope that is made better.

The Vice-Chair (Mr. Joe Dickson): Ten seconds.

Ms. Ann Hoggarth: In regard to holiday pay, I've heard several deputations asking for holiday pay, and I believe that it would be a good idea—

The Vice-Chair (Mr. Joe Dickson): Thank you very much. I appreciate that.

We will now go on to our second speaker: Mr. Pettapiece, from the PC Party.

Mr. Randy Pettapiece: Thanks for coming out today. It's great that you chose to come out and give your opinions.

On the second point in your letter, when you read the sentence, I believe you added a little bit to that sentence with a couple of words that weren't there. Did you add something to it after "company?"

Mr. Jian Zhang: *Remarks in Mandarin.*

Mr. Weiguang Wu: I just added "for not qualifying" at the last.

Mr. Randy Pettapiece: Was it "...the company and for not qualifying"?

Mr. Weiguang Wu: The whole sentence would be like this: "...if this worker will be hired directly or leave the company for not qualifying."

I think one month—

Mr. Randy Pettapiece: It's point 2 that I'm after here, number 2.

Mr. Weiguang Wu: Point 2?

Mr. Randy Pettapiece: Point 2 on the back.

Mr. Weiguang Wu: The last page, point 2—right?

Mr. Randy Pettapiece: Yes. You added something after “company.”

Mr. Weiguang Wu: Yes, I added “for not qualifying.”

Mr. Randy Pettapiece: “For not qualifying”?

Mr. Weiguang Wu: Yes, “for not qualifying.”

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Mr. Randy Pettapiece: Okay. That’s all, Chair.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. We will now go to Mr. Natyshak—I’m sorry about that error before, Taras—of the NDP. You will have three minutes.

Mr. Taras Natyshak: Okay. Thank you, Chair.

Mr. Wu, thank you very much for your presentation. I appreciate it. What is your profession? What industry do you work in?

Mr. Weiguang Wu: You mean now—

Mr. Taras Natyshak: Yes.

Mr. Weiguang Wu: —or before? Now, I’m self-employed.

Mr. Taras Natyshak: What do you do?

Mr. Weiguang Wu: I do international trade between China and Canada.

Mr. Taras Natyshak: Interesting.

Mr. Weiguang Wu: But I had a long time to work only for the temp agency, because I had no other choice. It took me nearly five or six years, and then I realized I should start my own business. But now, the new immigrants, when they arrive, they still repeat my story of yesterday.

Mr. Taras Natyshak: So it’s very common? Your story continues with other new immigrants?

Mr. Weiguang Wu: Yes. From generation to generation, and that’s why I came here.

Mr. Taras Natyshak: How long have you been in Ontario?

Mr. Weiguang Wu: In Ontario, 12 years.

Mr. Taras Natyshak: How many different temp agencies or employers have you worked for through temp agencies?

Mr. Weiguang Wu: Let me see: More than four or five.

Mr. Taras Natyshak: What is the longest you’ve ever worked with a temp agency?

Mr. Weiguang Wu: The longest one is from July 2007 to 2010. But for the temp agency, from July 2007 to—

Mr. Taras Natyshak: So 2007 to 2010 with one employer?

Mr. Weiguang Wu: Oh, sorry, to nearly the end of 2008. Then, when I asked for holiday payment, then the client company hired me directly. Then I worked to 2010.

Mr. Taras Natyshak: When you asked for holiday payment, they hired you directly?

Mr. Weiguang Wu: Yes, yes.

Mr. Taras Natyshak: That’s interesting. We don’t often hear of that, but I congratulate them for taking you on full-time.

Mr. Weiguang Wu: Because if I had not asked for holiday payment, they still would—

Mr. Taras Natyshak: Would not have paid it.

Mr. Weiguang Wu: —would not hire me.

Mr. Taras Natyshak: How many other of your colleagues in the same workplace were going—

Mr. Weiguang Wu: Yes. The same group, seven, all of us, altogether, hired.

Mr. Taras Natyshak: So when you stood up for yourself and your rights and what was justly owed to you, not only did you ultimately benefit, but your colleagues also were hired on?

Mr. Weiguang Wu: The whole of my colleagues were hired, not only me. Seven of us formed together to make a claim to the Ministry of Labour at first. But the first time we lost and five of them withdrew. Only two of us made an appeal, and then we won.

Mr. Taras Natyshak: So you had to appeal?

Mr. Weiguang Wu: Yes.

Mr. Taras Natyshak: Wow. Was that a difficult process for you, to appeal that?

Mr. Weiguang Wu: For me to—because of the language, yes.

Mr. Taras Natyshak: Of course. Did you receive any—

The Vice-Chair (Mr. Joe Dickson): You have 20 seconds. Go ahead, sir.

Mr. Taras Natyshak: I really appreciate your story. It’s clear. It’s in black and white. You presented it here to us very clearly. You attempted to recover wages that were owed to you, they pushed you around, they bounced it around between employer agency and temp agency. We need clarification, we need certainty, and workers deserve that. I applaud you and thank you very much for your testimony today.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, gentlemen. Thank you, Mr. Wu, and thank you to your associate for being with you. I appreciate you coming today.

MR. AMAR BHATIA

The Vice-Chair (Mr. Joe Dickson): Our next presenter will be Amar Bhatia. How are you, sir?

Mr. Amar Bhatia: Good. How are you doing?

The Vice-Chair (Mr. Joe Dickson): Good, thank you. You’re free to proceed. You have five minutes for your presentation. Thank you very much.

Mr. Amar Bhatia: Thank you, Vice-Chair and members of the committee. My name is Amar Bhatia and I am an assistant professor of law at Osgoode Hall Law School—

Interjections.

The Vice-Chair (Mr. Joe Dickson): Excuse me. I just want to be able to hear. Members, I would like to be able to hear the presenter.

Mr. Amar Bhatia: Thank you.

I'm an assistant professor of law at Osgoode Hall Law School at York University, and I have experience in immigration and refugee law, labour and employment law, and the law and policy of transnational migrant work.

I'm here today to talk about schedule 1 of Bill 18. I first want to start by saying that I'm in agreement with the briefs presented by the Workers' Action Centre and the Migrant Workers Alliance for Change, especially because they're informed by the lived experiences of migrant workers here in Ontario. I do think that it's helpful, what the bill is doing, by extending the Employment Protection for Foreign Nationals Act from caregivers to all migrant workers. But I also am mindful that the success of this extension depends on the most vulnerable people in the system, from which we are all benefiting, especially given the fees paid and the debts incurred by migrant workers to come and work in Ontario, as well as the fees paid once they're here, as we've heard in the case of immigrant workers. Their precarious status is one that falls short of permanent residency. I think that putting the success of this bill and the schedule of the bill on their complaints, to put it in the nicest way, lacks in evidence. This is borne out in recent reports by the Metcalf Foundation on migrant recruitment, and also in community group surveys such as the Caregivers' Action Centre, which I believe you'll hear from later today.

At the least, I think the bill should be amended to allow migrant workers a minimum of up to five years to file complaints about recruitment fees and other violations. I think that this kind of amendment would show an appreciation for the fact that migrant workers are capped at a four-year stay in Canada and also that their work permits are tied to their employers during that time. Since the Law Commission of Ontario and the Ministry of Labour in Ontario have both shown that the majority of Canadian workers only make complaints at work after they have secured new employment, because they feel nervous during the current employment, I think that you can understand why migrant workers would be especially reluctant to make complaints during the term of a closed work permit.

I also think that the lack of protection from reprisals from employers and recruiters is a pressing issue and it's not, I think, as strongly reflected in this bill as it could be. In part, this would require further amendments, but also it would require co-operation with the federal government.

Ultimately, I think the best system is one that is in line with the best practices in international law and also with other practices across the country—in Manitoba and Saskatchewan. These include licensing recruiters, registering employers, joint responsibility between these two groups, security deposits, third party complaints and fast-track investigations. I think this would also be the best option for migrant workers but also, frankly, for employers. The Premier's mandate to the Minister of Labour, in fact, mentions the need to create good jobs and build more security for every person in this province. It doesn't say every Canadian, it doesn't say every permanent

resident; it says everyone in Ontario. I think this mandate also mentions working with Ontario's Minister of Citizenship and Immigration to better protect migrant workers here. This is the type of co-operation that's necessary with the lack of permanent residence status and also in the face of, again, reprisals, recruiter abuse and a situation where federal immigration status would trump someone's ability to exercise their rights in provincial labour, human rights and employment law.

Beyond the scope of the bill, I think the best option is for migrant workers to arrive with permanent status in Canada rather than being in a permanent situation where these abuses are prone to happen. Again, that's beyond the scope of this bill, but I also want to note here two leading studies in Canada that are available online freely: one by the labour lawyer Fay Faraday in the Metcalf Foundation report, which I've already mentioned, and also one by the Saskatchewan labour standards director of legal and education services, Daniel Parrott. That deals with looking at the rise of both temporary foreign workers in the western provinces and how the best practice has been dealt with in the western provinces. Since you have no shortage of things to read, just to cut a long story short, both Faraday and Parrott recommend adopting the proactive model if not identical to, then very similar to, what is the case in Manitoba.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Mr. Bhatia.

Mr. Amar Bhatia: Thank you.

The Vice-Chair (Mr. Joe Dickson): We will now go to the first speaker, Mr. Pettapiece, from the PC Party. Sir?

Mr. Randy Pettapiece: Thank you, Chair. Just a few remarks: Your submission is very close to what we've been hearing today—a few changes. What can you see as the most important thing? I know sometimes it's hard to delegate things in importance because you probably want them all, but what would you feel is one of the most important points that you'd like to make here today?

Mr. Amar Bhatia: I think the most important point is not to rely on workers who are the most vulnerable to make the complaints but to actually have a proactive system that I think is both effective legally and cost-effective, in the case of Manitoba.

Mr. Randy Pettapiece: Okay. Thank you.

The Vice-Chair (Mr. Joe Dickson): Thank you. Further, sir? Okay, thank you, Mr. Pettapiece.

I would then go to Mr. Natyshak from the NDP.

Mr. Taras Natyshak: Thanks again, Chair.

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The Vice-Chair (Mr. Joe Dickson): Am I close?

Mr. Taras Natyshak: You're not even close. It's okay.

Thank you very much for your presentation. So the bill proposes that every employer shall provide each of his or her employees with a copy of the most recent published poster by the ministry under this section. How do you think that the government is going to get those to the right people and in the right hands? What's that

mechanism? I don't know—just flooding, air drop or something? Would you not think that it would be proactive and prudent for the government to know where migrant workers are through a registry, as is in the proposal in this bill to register temp agencies in a similar fashion? Is there an imbalance there, or am I just losing it?

Mr. Amar Bhatia: I think having information is important, and information rights is one component of best practices internationally. But giving leaflets and posters—you could have all the international conventions and all the laws in Canada posted in every workplace, and I don't think it's going to make a difference if there aren't resources to enforce them. Having a proactive registry is the better practice.

Mr. Taras Natyshak: I need your help on this. Let's assume that this bill is passed, receives royal assent, and we get an incidence of a violation under the new provisions here. Do you believe that the punitive aspect or the measures that are associated with them are strong enough? Or are there any? What is it? Will it be enough of a deterrent to stop some of the issues that the bill attempts to address?

Mr. Amar Bhatia: I don't know if it will be enough deterrent. A survey I'm aware of from the Caregivers' Action Centre and the freedom-of-information request in the Metcalf report both show that there are fees still being charged in Ontario and beyond Ontario. So I don't think it's a deterrent.

Conversely, in Manitoba they're basically down to 12 licenced recruiters, and the practices have been pushed out of the province, from all of the evidence I've seen. The problem is, of course, people who are charging fees in other provinces and beyond. But one thing they've done is sort of make the federal labour opinion reliant on licensing with the province. That way they've incentivized employers to do the right thing in the whole supply chain of recruitment.

Also, if they're using unlicensed recruiters, then the employer will be liable for that—

The Vice-Chair (Mr. Joe Dickson): Twenty seconds.

Mr. Amar Bhatia: That's another incentive for the employer to use somebody who has been approved by the government and is registered.

Mr. Taras Natyshak: Thank you so much for your presentation. I appreciate it.

The Vice-Chair (Mr. Joe Dickson): I will now go to the government side. We'll go to Mrs. Mangat first and then Mr. Colle.

Mrs. Amrit Mangat: Thank you, Mr. Bhatia, for your presentation. It's a great presentation.

Mr. Amar Bhatia: Thank you.

Mrs. Amrit Mangat: During your presentation, you spoke about the permanent residency of temporary foreign workers. My understanding is that the province of Ontario has no control over that. It falls within the purview of the federal government. Can you throw some light on it?

Mr. Amar Bhatia: Sure. Traditionally that's the case, but the government has been increasingly moving to de-

volving the federal immigration power to provinces indirectly through employers and also directly with the Canada-Ontario Immigration Agreement. These agreements span the country with different provinces and territories.

So, for instance, Opportunities Ontario, Ontario's provincial nominee program, Ontario's new immigration act and immigration strategy—these are all ways that the federal government is providing immigration-like powers to the provinces that, for instance, Quebec has long had historically.

I guess part of the problem in this context is that so-called low-skilled migrant workers, who are often just de-skilled, don't have any pathways to permanent residence under this new Ontario provincial nominee program and immigration power.

Mrs. Amrit Mangat: Yes, but the provincial PNP program is totally different from the Temporary Foreign Worker Program. My understanding is that the government has not given any powers to the province of Ontario so far.

Mr. Amar Bhatia: My argument is that they're not completely distinct because it's a matter of the skill designation.

Mrs. Amrit Mangat: But they haven't done anything, the federal government. They have not given any powers to the province of Ontario. So how can we talk about that issue?

Mr. Amar Bhatia: Well, the Canada-Ontario Immigration Agreement, which I think is being renegotiated, is an example of where the powers have been given.

Mrs. Amrit Mangat: No. No. I don't think so. Those powers have not been given yet.

Mr. Amar Bhatia: Okay.

The Vice-Chair (Mr. Joe Dickson): Thank you, Mr. Colle.

Mr. Mike Colle: Just briefly, there are 130,000 migrant workers in Ontario. How many are there in Manitoba?

Mr. Amar Bhatia: The question of scale is one that has been brought up in terms of why the Manitoba program wouldn't work in Ontario, but I think that you have to look at the economic costs—

Mr. Mike Colle: How many, though, are there in Manitoba?

Mr. Amar Bhatia: In Manitoba? Honestly, I'd have to check.

Mr. Mike Colle: The point I'm making is that it is a huge problem, and most Ontarians don't realize there are 130,000 people coming from Jamaica and Mexico who put food on our table. The general population doesn't appreciate that, just like they don't appreciate the work of farmers who do all this work to put food on the table, and they want cheap farm products; they want cheap labour. Then, here we are, as a government, trying to protect these workers who are working in anonymity, in silence on these farms under incredible conditions.

The middlemen are scamming them back home. How can we control the scammers who are back in Jamaica, back in Mexico? Even if we put anti-recruitment laws

and register them here, they'll be scamming the families back home.

Mr. Amar Bhatia: Right—

The Vice-Chair (Mr. Joe Dickson): Thank you.

Mr. Mike Colle: Sorry.

The Vice-Chair (Mr. Joe Dickson): It's a great question. Unfortunately, you'll have to come back to give us the answer.

Mr. Amar Bhatia: Okay.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Mr. Bhatia. We appreciate your time here, sir. It's good to have you.

Mr. Amar Bhatia: Thanks.

ONTARIO FEDERATION OF LABOUR

The Vice-Chair (Mr. Joe Dickson): Our next speaker is from the Ontario Federation of Labour: Mr. Sid Ryan, the president. Good to see you, Mr. Ryan.

Mr. Sid Ryan: Good seeing you, too, Joe. Thank you to the committee for giving us an opportunity to say a few words about this bill.

I've been coming here for a lot of years, and I've made presentations to literally dozens of panels and committees over the years. I've got to say, I don't get the opportunity very often to come and say, "Kudos for bringing this bill forward." We've been working and representing workers, of course. That's what we do for a living. But we've seen an explosion in the use of temporary foreign workers, migrant workers, temp agency workers—extremely vulnerable, precarious work. We've been asking for quite some time to see this kind of legislation come forward, which protects the most vulnerable of workers. I just want to commend the government up front for taking the initiative to introduce this bill.

Now, like all bills, of course, it's not perfect, and there are some changes that we can make. Hopefully we'll make a few suggestions today—and I'm sure you've heard them from other folks. But the overall thrust of this is, it's certainly in the right direction.

I heard the discussion a few moments ago about temporary foreign workers and registrations, and we've put that as well in presentations we've previously made to the government. There are other issues, which I will say are kind of what we regard as out of scope for this particular piece of legislation. Hopefully we're going to be dealing with it underneath labour law changes, which is card checks, successor rights in the contract sector, first-contract arbitration and, of course, reinstatement during organizing campaigns. So those are areas that we will talk about not here today, but that is coming.

The piece that's in here that I just briefly want to touch upon again, of course, is the minimum wage. I want to again commend the government for moving in the direction that they have, certainly around the indexation. We don't like the fact that it's \$11. We do think you ought to be moving to the standard across North America which people are shooting for now: \$15. Thank God Mulcair from the NDP is now talking about that as well.

That's a direction I think that we need to be going in, but certainly indexing it to inflation and moving it from where it was is a good first step.

There are two areas we would like to take a look at, particularly with respect to this bill. One is that Bill 18 should be amended to make client companies and temporary help agencies liable not just for unpaid wages and unpaid overtime, but for all employment standards entitlements. In the alternative, Bill 18 should be amended to require that the agency and client be jointly and severally liable for unpaid wages, unpaid overtime and unpaid public holiday pay, entitlement to job-protected emergency medical leave—for example, unpaid sick days—and vacations.

Why are we saying this? Well, the Ministry of Labour inspection blitz of temporary help agencies found that 70% of employers had monetary violations. The most common violation was unpaid public holiday pay. So that's a change that we would dearly love to see in this bill, to strengthen it and make it a little bit better than what it is. As a matter of fact, the government's 2009 Bill 139—remember that one?—on temporary help agencies was supposed to ensure that temp workers got public holiday pay. But it didn't because it failed to make client companies that control schedules and pay for public holidays jointly responsible with the agencies. So clearly this is a change that we would like to see.

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The second change would be that Bill 18 should be amended to remove the six-month implementation delay on removing the \$10,000 cap on unpaid wages recoverable under the ESA and the implementation of the two-year claims period. Workers should not have to waste an additional six months before they can start claiming the full amount of their unpaid wages. Six extra months of limited liability for unpaid wages allows some employers to undercut their competitors by not paying their workers.

These are a couple of the changes that we would like to see, those two areas. Again, overall, I do commend the government for taking on this initiative and moving us in this direction; it's desperately needed.

The Vice-Chair (Mr. Joe Dickson): Thank you very much for your presentation, sir. I will go now to—and I will pronounce it differently this time—Mr. Natyshak.

Mr. Taras Natyshak: That's exactly right. That's exactly right, Chair.

The Vice-Chair (Mr. Joe Dickson): The floor is yours, sir.

Mr. Taras Natyshak: Thanks, Sid, for being here today. I know you had a busy day this morning. You were at the OHCOW celebration for their 25th anniversary, and yesterday we recognized the 100th anniversary of the Workmen's Compensation Act and its successors, the WSIB and WSIA, as well as the 35th anniversary of the Occupational Health and Safety Act.

So in that light, there are some changes that involve WSIB coverage. Can you expand on those? Did you hear the testimony from the Ontario Hospital Association and some of their concerns about the WSIB when it relates to interns? Maybe if you could—

Mr. Sid Ryan: I didn't. I'm sure I'd be horrified by it, but I didn't see it, no.

Mr. Taras Natyshak: Okay. Well, I have some concerns about it, regardless. But did you want to talk about some of the provisions under the WSIB in this bill?

Mr. Sid Ryan: In terms of what's not covered?

Mr. Taras Natyshak: Yes. Unpaid workers, the prevalence of interns, why they should be covered—the floor is yours.

Mr. Sid Ryan: Well, jeez. I don't know if you want to get too specific about why, other than that any worker who puts in a full day's pay should be paid compensation that's commensurate with the job that they're doing, particularly if they're in a workplace where—for example, with the temp agencies, we know that the average temp-agency worker earns 40% less than the workers doing similar work who they're working beside, in some cases, I believe. There was somebody here today who said they were working for 15 years for minimum wage. Obviously, in those kinds of situations, we need to absolutely make certain that they receive a wage that's commensurate with what their fellow folks in the workplace are receiving.

In terms of interns, if you're talking about unpaid work, it's a national disgrace that anybody would be asked to come into a workplace to receive some form of skills training and not receive compensation in return. That just turns the whole employment standards system on its head.

I came through an apprenticeship system, for example, where I recognized the principle that in the first, second, third and fourth years of your apprenticeship, you earn a lot less money than the journeyperson does, but you're learning a skill, and eventually you're going to find yourself a job that earns good wages. The principle of saying to somebody, "Come on in just to get the experience, and we're not going to pay you anything," is nothing but the exploitation of workers. That should be covered.

Mr. Taras Natyshak: The enforcement side: Are you concerned about the lack of enforcement or any qualified metrics there?

Mr. Sid Ryan: Just today you heard my presentation to the OHCOW clinics. I'm concerned about the enforcement of health and safety. I'm concerned about the enforcement of workers' compensation. Obviously here you need to have the enforcement—

The Vice-Chair (Mr. Joe Dickson): Thank you for your comments, sir. We appreciate that. We will now go to the government side. The speaker will be Mr. Colle.

Mr. Mike Colle: Thank you, Mr. Ryan. By the way, I just want to, on the record, thank you and the Ontario Federation of Labour for supporting health and safety for gas station attendants. Gas station attendants all over this province risk their lives to work for minimum wage, and the oil companies can't seem to afford to pay gas station attendants more. By the way, the two persons who were the accused killers of those two gas station attendants in Toronto are still loose.

Mr. Sid Ryan: I was going to ask you that question. That's disgraceful.

Mr. Mike Colle: Yes, they're still out there and they haven't been caught.

The families are living in poverty, after the one was killed in Mississauga, and the one here in my riding. I want to thank you guys for standing up with them.

I guess the question I had is, in terms of these temporary foreign workers and the migrant workers and the temp agencies, how can we get to the point where these temp agencies are not able to use that foreign loophole whereby they can do their recruiting, they can charge their fees back home, put those families into debt—they do it to caregivers. It's still going on, even though there's caregiver protection legislation, which is under the Ontario Ministry of Labour. How can we ensure that they're not being basically gouged back home when they have to—the families come together with their life savings to get people over here to work.

Mr. Sid Ryan: That's a really difficult question to answer. The way we approached it is that we believe that everybody who comes into Canada to work should find, somehow, a pathway to citizenship, to prevent this exploitation of workers where, in some cases, they're withholding their passports. In other cases, they're just basically threatening them: If they don't perform X, Y or Z, they'll be deported. I do think that giving people a pathway to citizenship is the way to stop the exploitation of workers.

It's an underground railway here, almost, that we've got in terms of—you talked about putting the food on the tables of Canadians. We expect to see the food and get it as cheaply as possible, but we forget that there are workers being exploited in the system to make that happen.

Giving them full access—

Mr. Mike Colle: Yes. I just want to put this out there. I remember running into a farm worker there in the Niagara Peninsula. The farmer told me that this Jamaican migrant worker has been at the family farm for 18 years. The farmer said, "If it wasn't for this Jamaican migrant worker, I'd be out of business."

The Vice-Chair (Mr. Joe Dickson): Twenty seconds.

Mr. Mike Colle: Why shouldn't that Jamaican worker be allowed to seek citizenship after 16, 18 years of working?

Mr. Sid Ryan: That's the way to stop the exploitation. Once you become a citizen, then you get full access to all of the laws that govern everybody else.

Every law, all the employment standards—somebody a few moments ago talked about the Temporary Foreign Worker Program—

The Vice-Chair (Mr. Joe Dickson): Thank you very much for your comments, sir. We will now go to the PC Party, and that is Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you, sir.

The Vice-Chair (Mr. Joe Dickson): Okay, sir. Thank you.

Mr. Randy Pettapiece: Good afternoon, Mr. Ryan.

Mr. Sid Ryan: Good afternoon.

Mr. Randy Pettapiece: You made a comment that there was an explosion, and I didn't understand whether

that was an explosion of migrant workers in this country or an explosion of problems—

Mr. Sid Ryan: Precarious work. Right now, we're being turned into essentially a service industry. Most of the good manufacturing jobs are disappearing or have disappeared. What's replacing them are these \$10-an-hour, \$12-an-hour-type jobs. If you work in the hotel industry, for example, you have your hours of work cut. Instead of having a 40-hour work week, you're called in to work maybe 16 hours a week, and it's maybe spread over four or five days, and possibly even two or three hours at different times of the day.

Mr. Randy Pettapiece: I see.

Mr. Sid Ryan: It's that kind of explosion of the exploitation of workers. We call it precarious work. A lot of the jobs that this Bill 18 is covering fall into that category as well.

Mr. Randy Pettapiece: Precarious? Okay. I wonder, sir—I can't write that fast—

Mr. Sid Ryan: I'm a fast speaker. Sorry.

Mr. Randy Pettapiece: I was trying to jot down—would you have something written?

Mr. Sid Ryan: I will have. I just got notice of this yesterday and pulled this together on very short notice, but we will be sending a presentation in to the committee.

Mr. Randy Pettapiece: All right, thanks very much. That's all I have.

Mr. Sid Ryan: Okay.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, sir. Thank you, Mr. Ryan.

Mr. Sid Ryan: This is the easiest go I've ever had of it. Anyway, thank you.

The Vice-Chair (Mr. Joe Dickson): It's very nice to have you here, and we look forward to seeing you again.

MS. LORRAINE FERNS

The Vice-Chair (Mr. Joe Dickson): Our next presenter is Lorraine Ferns. Come on forward, Lorraine. Make yourself comfortable.

I should warn everybody that our Clerk—and I will pronounce her name and I'm sure she will set the record straight. Ms. Przewdziecki: Am I close?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Close.

The Vice-Chair (Mr. Joe Dickson): Close. We're just waiting for a potential vote. You'll start to see the lights flashing and the bells will go, which will take us away from here for approximately 15 minutes. But the Clerk will be here, staff will be here, and we will continue on immediately after.

Please go ahead. It's very nice to have you here.

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Ms. Lorraine Ferns: My name is Lorraine. I came here today to thank you for the important changes included in Bill 18. I was pleased to hear this because of my own experience with temp agencies. I have worked for a few temp agencies, and, sadly, I have to say that these experiences were not very pleasant. This bill is

extremely important in order to better protect many workers, such as making the client company jointly responsible for all employment standards. Wages, overtime, health and safety: These are very important to me, but it's not enough.

For example, I worked for a client company for a year and had a lot of problems getting my holiday pay. I occasionally got it, and then I didn't. I was confused about this, so I asked my boss at the temp agency. She replied, "You are elect-to-work." I thought, "No, I don't think so." I was going to work nine to five, nine to five, for about a year. I thought, "This is not possible." I decided to pursue this matter and eventually got the holiday pay owed me; I received a cheque for almost \$600. That is a lot of money for someone who earned just above minimum wage. But of course, I coincidentally didn't get any more work. I guess I was fired for asking about my rights.

Now, you have to realize that when you work for a temp agency, you have two different bosses, because you work for two different companies. However, the client company sets the hours and the dress code; they make all the rules but have absolutely no responsibility. I mean, you work completely under their roof, at their location, but there is very little responsibility for temp workers. For me, that's just not right. For day-to-day issues, the temp agency is not there. They are an absentee employer. In fact, you never see them. You have barely any contact with them.

One time, one of my client company bosses forgot to sign my pay slip and it didn't get faxed to the temp agency in time for our payroll, so I didn't get paid that week. This shows that nothing happens without the approval of the client company. I had to wait until the following week for my pay. This happened at the end of the month. My rent was due. The flippant attitude about this was kind of shocking.

You're not allowed to discuss any workplace issues with the client company and yet they are the ones that make all the workplace decisions, not the temp agency. The workers seem to be the ones who always get stuck right in the middle, but we are the most important cog in the wheel. Without workers, both of these companies would not succeed. So I ask: Why are we not better protected?

Also, the attitude towards employees is very biased. We are "the temps" and are sometimes not included in certain meetings or even celebrations where there might be cake—I love cake. It depends on the company if you get to join in or are excluded. I think that if the company was jointly responsible for all workplace standards, there would be a different attitude towards temporary workers.

Why do workers have to wait six months before the wage theft changes come into effect? I don't get this. I am confused about this. Again, it feels like the employee is being punished.

I hope you will do the right thing and think really hard about why workers are not better protected. I think it is very unjust that you have a worker who goes where they

are told and works really hard and yet does not get the respect and dignity that they deserve as a worker and as a human being. That's it.

The Vice-Chair (Mr. Joe Dickson): Sorry.

Ms. Lorraine Ferns: That's it.

The Vice-Chair (Mr. Joe Dickson): That's it? My gosh. Thank you for that.

I'm now going to move to the government side for a question. Ms. Hoggarth, you were cut short with Mr. Colle.

Ms. Ann Hoggarth: Hi, Lorraine.

Ms. Lorraine Ferns: Hello.

Ms. Ann Hoggarth: Where are you from?

Ms. Lorraine Ferns: You mean originally?

Ms. Ann Hoggarth: Yes, originally.

Ms. Lorraine Ferns: Originally, I'm British. I've been here for 25-odd years.

Ms. Ann Hoggarth: Great. Well, you're a great addition to Ontario's workforce.

Unfortunately, what you have told us does not seem fair. We have heard time and time again today about the holiday pay issue. I'm glad to see that you were strong enough to fight for it. I don't think it was any coincidence that you didn't get any more work there, but you were probably better off gone from there anyway. As I said, I've heard from many of the people in the room and who've been through this room today that they have a great concern about holiday pay, and so do I.

I also think that people should be paid for what they do as soon as possible after they do it. That's only fair. You have bills to pay.

In regard to the bill, though, are you feeling good that this is moving quite a bit in the right direction?

Ms. Lorraine Ferns: Definitely. I just don't understand why there is that six months. I think that if you've been cheated, it's yours. It seems like, again, the worker is the one who is getting stuck. They're made to wait six months. They're the ones who were cheated, and they're the ones who did all the work. So they get stuck, and somebody else is making money off them.

Ms. Ann Hoggarth: That's why we're here today: to hear what everyone has to say and take it under advisement.

Thank you for your presentation.

The Vice-Chair (Mr. Joe Dickson): We will now go to Mr. Pettapiece from the Progressive Conservative Party.

Mr. Randy Pettapiece: Thank you for coming. Certainly, your story is very similar to what we've already heard today. It's too bad these things have to happen.

This has been a real learning experience for me, and you're helping to educate me. In my part of the country, temp agencies are just getting started, so it's something to have some indication as to what could happen with these agencies.

I really don't have any questions, Chair. I just wanted to put my thoughts on the record as to what I'm doing here today and what I'm learning about.

We would be more than happy to accept any other submissions that you might come up with in the future and send our way.

Ms. Lorraine Ferns: Can I just say that temp agencies are growing? Right now, again, I'm looking for a job. I actually don't want to work for a temp agency, but I don't have a choice. Whether it's factory, retail or especially office, it just seems that every time I go to Workopolis, I click "temp agency." I just don't want to work for a temp agency. It's a different experience. You aren't treated as an equal—I had a friend who worked for a temp agency, and the guy would not even call her by name. She's sitting right there: "The temp will do it." There's just this disregard. It's not the greatest experience. People want a job. They just want to work and get on with their lives. Some jobs are stressful enough. You have two bosses, so it's not the greatest thing for people.

Personally, I don't agree with them growing. I could go out right now and start a temp agency and charge you or the next person and make a little extra money. I know a guy who had a full-time job, who started a temp agency so he could make some extra money.

Mr. Randy Pettapiece: But I bet you'd be fair.

Ms. Lorraine Ferns: Yes.

Am I allowed to make a comment about something that you brought up about internships?

Mr. Taras Natyshak: You can say whatever you want.

Ms. Lorraine Ferns: Okay. I would like to get into writing. I came across an internship that was for six months. You know how you see jobs with a list like an arm and a leg: this, this, this, this, this, this—unpaid for six months. The only person who could do that is somebody who has really rich parents, or who is going to put themselves into major debt just to get a bit of experience. And there's no guarantee of a job.

Internships are growing, because they're catching on. It's free labour. This is ridiculous. Again, workers are being exploited, as far as I'm concerned. Internship for a week or two—even then—but six months—

The Vice-Chair (Mr. Joe Dickson): Thank you, Ms. Ferns.

Ms. Lorraine Ferns: Thank you.

The Vice-Chair (Mr. Joe Dickson): No, don't move. We so much enjoy your company. I'd like you to stay and proceed.

I'm going to practise on this, Taras, so forgive me if—

Mr. Taras Natyshak: Well, you know what?

The Vice-Chair (Mr. Joe Dickson): It's Natyshak—from the NDP.

Mr. Taras Natyshak: You've got the last name correct. The first name is Taras. I'm going to give you some leeway on that "Taras." I don't even want to start on that one.

Chair, this is not cutting into my three minutes, right? We're just joking around here. Thank you, Chair. We're having fun. It adds some levity to the discussion, which is funny.

Lorraine, thank you very much for being here today. Thank you for your presentation. How many jobs have you had through temp agencies in your life?

Ms. Lorraine Ferns: I've done quite a few.

Mr. Taras Natyshak: How many have ended on the 89th day?

Ms. Lorraine Ferns: The 89th day?

Mr. Taras Natyshak: Have they ever terminated your contract prior to 90 days?

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Ms. Lorraine Ferns: No, because I didn't always have a job that long.

Mr. Taras Natyshak: So sometimes less than 90 days.

Ms. Lorraine Ferns: I had a job for a day one time because—

Mr. Taras Natyshak: A day one time.

Ms. Lorraine Ferns: No, I didn't have a job—

Mr. Taras Natyshak: Would you call that precarious work?

Ms. Lorraine Ferns: Definitely.

Mr. Taras Natyshak: And you're seeing a higher prevalence of that in Ontario?

Ms. Lorraine Ferns: Oh, yes.

Mr. Taras Natyshak: Growing everywhere?

Ms. Lorraine Ferns: Oh, yes.

Mr. Taras Natyshak: Why?

Ms. Lorraine Ferns: Well, what it is, there are a lot of companies—it takes time to interview people. Also, they don't have to pay—part-time, precarious—they don't have to pay you the extras. They're saving money for themselves. They don't care about the worker. It's just money. Right?

Mr. Taras Natyshak: I like your statement and the clarification from your perspective and your experience that nothing happens without the approval of the client company. Can you give us some more examples? Or say that again. I think it was an important point to focus on.

Ms. Lorraine Ferns: When you're at the work, whatever happens, say—maybe you have a bad day or something. I'll give you an example of what happened; I don't know if this answers it. I had a job at a retail store, and we were told by the temp agency that we had—they told them that we had a lot of work ahead of us. I think it was on a Thursday or Friday. The guy who worked there, I also knew him. He said to me, "Oh, we don't have a job as of tomorrow because the client company decided they don't want us anymore." We were not told by our agency, and I was so angry I phoned them up and had a rip-roaring argument, and she was so rude. She said, "Who's the big mouth? He wasn't supposed to tell you." The client company decided, bang: "We don't want them. We're going to get students."

Whatever happens when you're on the work—they don't know what happens. I worked in a place where two guys watched me and a woman this size carry 30-pound boxes and were pissed off at us because we weren't fast enough. If we were treated more as employees, they'd be over there so fast, but we're the temps. We're just temps.

I can't go back and report that to my temp agency because, "Oh, she's complaining all the time." If you were to see that, as a person, you would help.

The Vice-Chair (Mr. Joe Dickson): Seven seconds.

Mr. Taras Natyshak: Thank you, thank you, thank you.

The Vice-Chair (Mr. Joe Dickson): Thank you very, very much for being with us, Lorraine. I can tell you, I love that accent so much that I'd let you sit here all afternoon, except I'd have to learn how to pronounce Taras's name correctly.

Ms. Lorraine Ferns: Okay. Thank you for your time.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. We appreciate you being here.

Ms. Lorraine Ferns: I hope you think about it good and hard and help us out.

ONTARIO BUSINESS COALITION

The Vice-Chair (Mr. Joe Dickson): Our next presenters, ladies and gentlemen, are the Ontario Business Coalition. Welcome, lady and gentlemen. Please introduce yourselves.

Mr. Ian Cunningham: Good afternoon, Chairman. My name is Ian Cunningham. Most of you know me as the president of the Council of Ontario Construction Associations, but I'm here today wearing a different hat, that of the chair of the Ontario Business Coalition.

With me today is Rosa Fiorentino. Rosa is a senior executive with Imperial Oil who is responsible for travelling the country and dealing with workers' compensation issues across Canada.

To my left is Ted Nixon. Ted is an actuary with considerable expertise in workers' compensation. He's worked for North American Life and Mercer. He loves to talk about one of his favourite clients, the OFL. He used to be responsible for their pension plan. Ted may tell you in his remarks that the things that keep him up at night are improprieties in the management of the WSIB.

The Vice-Chair (Mr. Joe Dickson): I welcome your introduction, sir. I just caution you: You have a five-minute platform.

Mr. Ian Cunningham: Gotcha.

The Vice-Chair (Mr. Joe Dickson): The floor is yours, sir.

Mr. Ian Cunningham: The Ontario Business Coalition is Ontario's largest group of employer organizations that focuses exclusively on workers' compensation issues. We're here today to speak exclusively about schedule 5 in the bill.

We are very sympathetic to the kinds of issues that were raised by the last speaker. Schedule 5 may be well intentioned, but is poorly thought out. It proposes a Workplace Safety and Insurance Act solution to issues that are largely Employment Standards Act and Occupational Health and Safety Act related.

There's no doubt that there are probably non-compliant temporary agencies out there. We would suggest they're a small percentage and that the non-compliers, the

unscrupulous actors, ought to be prosecuted with the fullness of the law.

Schedule 5 is not aligned with the basic principles that guide the development and management of group insurance and workers compensation schemes, and the WSIB is about to embark on major reforms that will improve and modernize Ontario's workers' compensation system. We would recommend that one-off features not be introduced at this time which would corrupt and add unnecessary complication to the system.

At this time I'd like to turn it over to Ted, who I also should mention is a member of the WSIB chair's actuarial advisory committee. Ted, do you want to make some comments?

Mr. Ted Nixon: Yes, I will. I'll be fairly direct on this. There is a letter in your package that I wrote which explains it.

Subsection 83(4) introduces the concept of having one employer pay the premium but the claims on those employees who he is paying for—the claim costs are going to be assigned to various other employers. This section deals with experience rating, in other words, the refinement of premium based on your experience.

So we've got premium paid in one—premium is the expression of expected costs. Okay? Actual costs are capitalized—the benefit payments etc. Any time you're going to refine premium pay you are comparing actual to expected. It doesn't matter where you are or what kind of insurance—actual to expected. But you have to have the actual and the expected in the same place. You can't have the expected here and the actual over here. What are you going to compare?

If you think of the temporary provider, he pays the premium at the moment. That's the expected cost. The way this law is written, legally there would be no claims assessed to his account in respect of those temporary workers—none. So he gets the maximum refund or discount. I don't think that's what we really want. I could also argue with great logic that I think his premium is zero.

Look over here to the workplace employer, who has no premium in respect of these workers registered on his account, in other words, no expected costs, but if any of the workers have actual costs, they're going to go on his record.

The Vice-Chair (Mr. Joe Dickson): Thirty seconds.

Mr. Ted Nixon: So when we go to compare actual to expected, there's zero for the expected and \$1 of actual generates a surcharge, when in fact the real expected would maybe be \$1,000. The problem with the way it's written is, it doesn't work. It doesn't work under insurance principles. You have to go back, take it back and figure out what you're trying to do. It doesn't matter to me as the actuary. You could put all the claims and all the premium on the temporary provider's account or you can make the workplace employer pay the premiums and all the claims now on his account. As the actuary or pricing person it doesn't matter to me. Other people might have a different opinion—

The Vice-Chair (Mr. Joe Dickson): Thank you. Our first speaker is Mr. Natyshak.

Mr. Taras Natyshak: Thank you, Chair. Thank you for attending. Thanks for submitting and thanks for coming here. I'm fluent in both French and English and I don't understand a word that you just said. Maybe I don't understand actuarial terms—

Mr. Ted Nixon: Gee, I just tried that on a young lady who never finished high school and she got it.

Mr. Taras Natyshak: I know. I know you tried to dumb it down for me and I still don't get it. I'm going to give you all the time to expand on it, but what I believe the bill does is it clarifies who is responsible for that portion, specifically under WSIB, when a worker is injured on the job.

Mr. Ted Nixon: No, it doesn't.

Mr. Taras Natyshak: Okay, you can explain that.

Mr. Ted Nixon: Okay.

Mr. Taras Natyshak: But as far as I'm concerned, that worker being injured in that workplace then, I believe, as far as I see it, the employer of that workplace should then be jointly and severely liable for the WSIB premiums.

Mr. Ted Nixon: Okay, let's take that. Then that employer has to pay the premium.

Mr. Taras Natyshak: Okay.

Mr. Ted Nixon: He doesn't now. The temporary help provider pays the premium.

Mr. Taras Natyshak: Okay. And what are you saying? Do you want—

Mr. Ted Nixon: It doesn't matter to me, the actuary, but other people will care from the employment law viewpoint.

Mr. Taras Natyshak: Tell me why other people are going to care. Because of added costs?

Mr. Ted Nixon: That's not my area of expertise.
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Mr. Taras Natyshak: I just don't—what are you warning us of?

Mr. Ted Nixon: You see, the section that we're amending only talks about refining premiums that are paid. It doesn't move—it doesn't make the premium itself payable by the workplace employer. It doesn't do that.

Mr. Taras Natyshak: Okay.

Mr. Ted Nixon: If you want to have all the claims assessed at the workplace employer's account, he has to be the one who has the premiums that were paid on his account. One way or another, they have to be put on his account. Okay?

Mr. Taras Natyshak: Okay.

Mr. Ted Nixon: When you go to compare actual to expected costs, you've got nothing there for expected, because he didn't pay any premium. Okay?

Mr. Taras Natyshak: Almost.

Mr. Ted Nixon: Okay, play it back to me.

Mr. Taras Natyshak: Come up to my office afterwards, and we'll spend two more hours to figure this out.

Mr. Ted Nixon: All right. Okay.

Mr. Ian Cunningham: The premium that an employer pays is based on the expected claims cost. Then, at the end of a year, the actual cost is compared to the expected cost and premium refinements are made; either surcharges or refunds are given. In this case, the temp agency, as the employer, pays the premium, and the workplace employer or the client employer is assessed the surcharges or the premiums. The net effect is that you would reduce the temp agency's premium to zero. It would reduce his costs of operation.

The Vice-Chair (Mr. Joe Dickson): Ten seconds.

Mr. Ian Cunningham: In effect, you're reducing his costs, and it has the opposite effect that I think you want to have, which is to—

The Vice-Chair (Mr. Joe Dickson): Thank you very much for your comments. I will now go to the government side, and the speaker is Ms. Mangat. Thank you.

Mrs. Amrit Mangat: Thank you, Chair. Thank you, Mr. Nixon, for your presentation. You said that non-compliers should be prosecuted.

Mr. Ted Nixon: I didn't say that.

Mrs. Amrit Mangat: Oh, maybe Ian said it.

Mr. Ian Cunningham: I said that, yes.

Mrs. Amrit Mangat: Okay, then maybe I can ask that question to him. What do you think should be the penalties, in your opinion? What kind of penalties do you suggest?

Mr. Ian Cunningham: As I said in my remarks, I think these issues—and they've been well described. I sat through the hearings this morning as well. They've been well described: the non-payment of holiday pay, and some of these kinds of Employment Standards Act issues. These unscrupulous temporary agencies ought to be prosecuted to the full extent of the Employment Standards Act.

Mrs. Amrit Mangat: No, no, that's fine. But what kind of penalties do you suggest for the temp agencies so that they behave in an appropriate manner in the future, so that it can help the workers?

Mr. Ian Cunningham: Go ahead.

Ms. Rosa Fiorentino: We actually were talking about this. We believe in fairness and equity amongst all our workers. One example that the government may want to look at is setting up a rating system, very similar to what we're proposing in the Occupational Health and Safety Act, where you accredit employers based on how well they're doing. Therefore, people will only want to do business with those good performers, the ones that protect their workers. You can do the same thing for agencies, as an example. Those are the types of things we'd like to see.

But doing what was just proposed now—and hopefully, you understood it a bit better, with what Mr. Nixon was trying to explain. What is being proposed right now under schedule 5 is going to have the opposite effect. You're actually going to be rewarding these temporary agencies with more money—

The Vice-Chair (Mr. Joe Dickson): Ten seconds.

Ms. Rosa Fiorentino: —and not having to pay any premiums. We're just saying to be very careful. We'd

like you to re-look at that and review that proposal, but we actually are recommending that you rescind it.

The Vice-Chair (Mr. Joe Dickson): My apologies. It was one minute and 10 seconds. One of you?

Interjections.

The Vice-Chair (Mr. Joe Dickson): I think Ms. Hoggarth had a question. Did you?

Ms. Ann Hoggarth: Okay. Hi. Just to clarify something, because there are a lot of confused people: Basically, what you're worried about is that one agency is going to pay the insurance premiums and the other agency is going to pay for the injury.

Mr. Ian Cunningham: It's going to be assigned all the costs.

Ms. Ann Hoggarth: Yes, okay. So what you want is that one agency would both pay the premiums and be assigned all the costs?

Mr. Ian Cunningham: Correct.

Ms. Ann Hoggarth: Okay, and let me guess: Who would you like the group to be that would be doing that: the temporary agency or the client agency?

Mr. Ian Cunningham: We don't see any reason to change it from the temp agency—

The Vice-Chair (Mr. Joe Dickson): Thank you very much. I appreciate that. We will now go to the Progressive Conservative Party.

Interjections.

The Vice-Chair (Mr. Joe Dickson): Excuse me.

We will now go to the Progressive Conservatives: Mr. Pettapiece, please.

Mr. Randy Pettapiece: Thanks for coming in today. I'm going to try to get my brain around this thing. If I am an employer, and I hire a temp agency to supply me with folks, I pay a fee for that, and in that fee is workers' compensation?

Mr. Ian Cunningham: Correct.

Mr. Randy Pettapiece: As an employer right now, as it stands, I don't pay workers' compensation fees.

Mr. Ian Cunningham: For workers that you engage through a temp agency.

Mr. Randy Pettapiece: Okay. That's correct.

Mr. Ian Cunningham: Correct.

Mr. Randy Pettapiece: But if a worker is hurt working for me, what this bill wants to do is shift that onto me, as the employer. Is that correct?

Mr. Ian Cunningham: Correct. The cost.

Mr. Randy Pettapiece: The costs.

Mr. Ian Cunningham: The costs, onto your WSIB account.

Mr. Randy Pettapiece: Yes. So I can understand why the temp agencies' premiums would go down like that.

Mr. Ian Cunningham: They would get a surcharge, and they would pay zero, because they'd have no claims costs.

Mr. Randy Pettapiece: Because, as a business owner, if we're good and haven't had any claims for a while, we do get lower rates all the time. So I think I can understand what you're saying right here: It's not going to be a fair system of people paying these things.

Mr. Ted Nixon: It can't work. Two plus two doesn't equal five. It's as wrong as that.

Ms. Rosa Fiorentino: And currently the system, the Workers' Compensation Act, does allow for transferring those costs. So if an employer is negligent and doesn't protect that worker, and they're negligent, the temp agency could transfer the costs of that claim to the employer. That's already in the act right now. I'm not sure if you're aware of that section of the act, but there are those abilities if you can find negligence in the workplace that caused that injury or incident.

Mr. Randy Pettapiece: Thanks.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. I'd like to thank the combination of you being here this afternoon, Mr. Cunningham, Ms. Fiorentino and Mr. Nixon. Thank you for presenting, and we look forward to seeing you again.

MS. DENISE MARTINS

The Vice-Chair (Mr. Joe Dickson): Our next presenter is Denise Martins. Denise, welcome. The floor is yours, and you have five minutes.

Ms. Denise Martins: Hi, everyone. My name is Denise Martins, and I'm happy to be here today, because this bill means a lot to me. It means a lot to me as a Latin American immigrant, it means a lot to me as a young worker, and it means a lot to me as a person with a lot of student debt.

I am here today, however, to speak to you about the wage-theft aspect of the bill. In these short five minutes, I'm hoping to give you a glimpse of my life. My parents came to this country in search of something better for us and worked hard to see that their efforts did not go to waste. I worked hard, and they did too.

I did everything right in high school. I got good grades and got into a decent university, the University of Guelph. I even took time off between high school and university in order to get a job to ensure that I was starting off on a good financial footing. Little did I know that a full-time job at Tim Hortons could barely offset the cost of my first laptop and bicycle, let alone my textbooks for the year. I continued this hard work while in university, at one point holding as many as three separate part-time jobs along with my part-time studies. That being said, as most of you have heard today, school is expensive, thus my efforts to create any kind of dent in my student loan were in vain.

Again, I did everything I was supposed to do. I followed all the steps you've set before me, yet upon graduation, I not only had a massive debt load, I also entered a world of both unemployment and underemployment. The only job I was able to acquire after four months of searching—four months after my degree—was at a Tim Hortons an hour outside my city, which I drove to every morning, and back after work.

I worked full-time at this location for five months until finally deciding to relocate to Toronto in hope of a better job market. After two months of searching, I got an interview at a fast-food sandwich store in downtown Toronto.

It was at this July interview that I was informed that the first 12 hours of work were going to be considered training and therefore were not going to be paid until I completed my probationary period.

With bills piling up and collection agencies hunting me down every single day, I needed this job more than ever before, so that decision was simple. I did not flinch, as I know how difficult it is to find a job, and apparently agreeing to this rule was all it took to get that job. Little did I know that training in fact meant working and just trying to keep up for 12 hours. And so I began the worst job I have ever had in my 24 years of life.

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People at this location were not allowed to take real breaks. Even when you worked 10 hours straight, all you were allowed to have were 10 minutes in which you could not leave the restaurant—that's important—and were expected to quickly return to work if more than two customers entered the store. So sometimes you'd have a five-minute break, have to go back to work, then get to sit down for another five minutes, and then you were expected to complete your shift. For example, I asked my employer if I could please leave the restaurant on pay day as my shift ended after the bank closed and I needed the money deposited in order to pay bills. I was denied that request.

Of course, I knew that something wasn't right about this, about how this employer conducted herself. At my job, we all knew that a lot of what took place was wrong and unjust. We all knew that the owner taking money from the tip jar and placing it in the till was wrong, but we also knew that there was nothing we could do about it. We considered ourselves lucky. Potential new hires walked in every single day, resumé in hand, each one more qualified than the next. Who were we to question the owner of this store, the person who determined how many hours you worked next week and the person who determined whether you got to stay on or whether you were fired the next day?

There is a clear power imbalance at any workplace. I am pleased to see the new provisions being put forth regarding wage theft. It is a long time coming. Workers shouldn't have to wait another six months after the bill becomes law for the new wage-theft provisions to take effect, however. Four months ago, I worked 12 hours for free. I am only now in a position to do something about this, and only in the last 24 hours have I begun conjuring up the confidence to take this on, but my time is almost up. Six months is not nearly enough to make a complaint. Why is it that my employer can get away with it as long as I don't figure out the ESA in time? If someone like me, who has a post-secondary degree, speaks and writes English fairly well and has some confidence in standing up for myself, cannot stand up to my employer—if I can't do that, how can we possibly expect that individuals for whom this is their livelihood will do so?

The Vice-Chair (Mr. Joe Dickson): Twenty seconds.

Ms. Denise Martins: Sure. Oh, man. Okay. Skip, skip, skip. My request of this committee—you have it in front of you.

My request of this committee is that these wage-theft provisions be made effective upon ratification of the bill. It is completely unfair that even after the new law is passed, workers may still have to forfeit their stolen wages because they missed a six-month deadline. Theft is theft, and we need to hold employers accountable.

The Vice-Chair (Mr. Joe Dickson): Thank you. We will now go to the NDP, Mr. Natyshak.

Mr. Taras Natyshak: Thank you very much, Chair.

The Vice-Chair (Mr. Joe Dickson): A pleasure, sir.

Mr. Taras Natyshak: Thank you very much for your presentation. You stated at the beginning that you're pleased, you're happy that this bill is coming forward because you believe that it could address—or hopefully avoid workers such as yourself, people such as yourself, young workers, being victimized, taken advantage of at work. Is that what your belief is, and is that why you're here today?

Ms. Denise Martins: I believe that it's a start. I think the reason that you're having panels today is to hear what people have to say, where you can go further.

Mr. Taras Natyshak: I'm interested to know what you're doing now.

Ms. Denise Martins: Now? I actually got a good job.

Mr. Taras Natyshak: Let's hear it. What is it?

Ms. Denise Martins: Right now, I'm working for the faculty association at the University of Ontario Institute of Technology.

Mr. Taras Natyshak: Cool.

Ms. Denise Martins: But this is a month now, and I'm still in a probationary status and part time. But it's still okay. It's better than Quiznos.

Mr. Taras Natyshak: Whoever that is.

Ms. Denise Martins: Sandwich store.

Mr. Taras Natyshak: They're lucky to have you.

What we ultimately are doing here, as you are aware, is that we are creating law. With any good law, I think, in essence, it needs to have good enforcement. We've got stop signs all around the province in our communities, and people still blow through them once in a while. It's only when we have a cop who's on the corner who witnesses them going through a stop sign that we're able to levy a fine and enforce that law.

Do you have any thoughts around how we make sure that we protect the workers this bill is meant to protect? What do you think about the level of enforcement—obviously, you were in vulnerable positions before, even under the current Employment Standards Act. How do we make it stronger?

Ms. Denise Martins: Yes, the extensive experience I've had where workers feel like they cannot stand up to the employer—at one point, I did see the Ministry of Labour come into my job, and I was really excited, but they were just doing some polling of our employer, so they didn't even talk to us. I think it would be really interesting to have a way for the Ministry of Labour to directly communicate with the workers at these places, to monitor these places to ensure that there are breaks. It

wouldn't be difficult to find out if these places are having breaks.

Mr. Taras Natyshak: You know, you've got a powerful sentence in here. You talk about how you're confident, you're educated, you have a post-secondary degree, you speak and write English well—of course we see that—and you didn't feel comfortable standing up for yourself. I think that's all too common in many workplaces across the province, and I commend you for standing up for yourself, for your colleagues, and for coming here today and educating us as legislators so that we can do our job better. Thank you very much for being here.

The Vice-Chair (Mr. Joe Dickson): You can respond if you wish.

Ms. Denise Martins: Thank you.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. It will now go to the government's side and the first person to put up their—

Ms. Eleanor McMahon: Ms. McMahon.

The Vice-Chair (Mr. Joe Dickson): Ms. McMahon.

Ms. Eleanor McMahon: Thank you, Chair.

I apologize, my voice is extraordinarily bad.

Ms. Denise Martins: It's forgiven.

Ms. Eleanor McMahon: Thank you for coming today. You're an extraordinarily articulate young woman and very courageous. We're impressed with your intelligence and your passion.

A couple of things I have to ask you: I'm stunned that you were treated in this way and I'm sorry, on behalf of all of us, that you received this kind of treatment. It's incredibly disrespectful. I was a young person once many years ago, and I had some difficult employee experiences too, but nothing like what you went through.

Can you leave me with some ideas and help all of us on how the young people in your workplace—or the people who you worked with; maybe some of them weren't young—might have felt more confident about standing up and understanding what their rights were? Because they have them, yet they didn't feel comfortable.

Secondly, do think we might institute a hotline or some kind of mechanism by which these kinds of infractions could be reported in a way that keeps people safe so that they feel comfortable, that they don't feel like they're going to lose their job by complaining? Just to have your thoughts on that.

Ms. Denise Martins: First I wanted to start and thank you for commending me, but to emphasize, I worked for three separate minimum wage employers. This is not a one-off; this has happened continuously. Tips—I always used to balance tills in many, many restaurants, so it's not just me.

In terms of what we can do to empower people, I think the importance I'm trying to put here is about time. I am able to file a complaint right now because I'm no longer under the employer's thumb. If we have a six-month period where people are allowed to only claim back six months, most of my co-workers have been working there for years, so they are not going to file a complaint against

their employer—there are four people in this restaurant. It's clear who the person is going to be. As soon as you raise a flag, as soon as you ask the manager a question and then you go and file a complaint with the Ministry of Labour—there are repercussions to this. Right?

I don't understand why there is any timeline to begin with. Yes, it's great that it's being increased to two years, but I don't understand how someone could steal \$10,000 from you and then it's no longer a thing two years from now. It's just forgiven and the employer gets away with it. That's something I completely don't understand.

Hotline: I like it. It's an idea. I am astonished sometimes at the fact that most people don't know what happens in fast food restaurants or minimum wage places. No offence to you all, and I understand that some of you might have worked that in the past, but you don't have that knowledge of what is going on in these places, so maybe that will give you a link to understand and get more of an idea of what's happening.

The Vice-Chair (Mr. Joe Dickson): Ten seconds.

Ms. Denise Martins: Maybe it's a start, listening to these workers.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. I will now go to the Progressive Conservative Party. Mr. Pettapiece, please.

Mr. Randy Pettapiece: Thank you for coming in today. This is quite a report you wrote up. How long ago did you start studying this? How long ago were you aware of this act that the government was proposing?

Ms. Denise Martins: Bill 18? About a week.

Mr. Randy Pettapiece: About a week?

Ms. Denise Martins: Yes.

Mr. Randy Pettapiece: You're a fast learner.

Ms. Denise Martins: Yes.

Mr. Randy Pettapiece: Our researcher—

Ms. Denise Martins: Yes, and a lot of googling took place.

Mr. Randy Pettapiece: So you have started another position now which is working out better for you?

Ms. Denise Martins: Yes.

Mr. Randy Pettapiece: In your chosen field?

Ms. Denise Martins: Yes.

Mr. Randy Pettapiece: Okay. That's great news.

I know the fast food industry is a hard job, especially when it's busy and you're flying around. There's a lot of responsibility put on the people who work there to get the orders right and get them there on time and everything else.

I wonder, while you were doing this, how were you able to work at these places when you've come here and said that you were under so much pressure about your paycheques or being fired or stuff like that? How do you do that?

1650

Ms. Denise Martins: When you need money, you've got to work. That's how it has always been. I think I'm not understanding your question.

Mr. Randy Pettapiece: Well, my point is this: I'm from a different part of the province than here, and

maybe I didn't have to go through some of the things that you did, because I could always go mow hay or something at somebody's place if I didn't like this farm. I'm from an agricultural background. Maybe I didn't go through some of the things that you're talking about, because most of the people we worked for—if I happened to work for another farmer—understood the hardness of the work, and we were treated fairly. So I sometimes have a hard time understanding. I know you needed the money, but it must have been awfully hard on you going through this type of thing that you claim to have gone through.

Ms. Denise Martins: I loved working at Tim Hortons. It was great. There were great people who I worked with—amazing women with lots of amazing stories. The only thing that was hard about it was the fact that I was earning below poverty wages. That was the most difficult part about it.

At Tim Hortons, at least they respected the breaks. We had a half-hour break, where we got to sit down for half an hour, which is great if you're standing for eight or 10 hours straight.

So I think my biggest beef with those jobs is not the work itself. I don't mind hard work. It's just how it's compensated and when you're not treated as a human being.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Ms. Martins. Well done. We appreciate your time here today.

TORONTO WORKERS' HEALTH AND SAFETY LEGAL CLINIC

The Vice-Chair (Mr. Joe Dickson): The next delegation is from Toronto Workers' Health and Safety Legal Clinic.

Welcome, Ms. Vannucci and Mr. Bartolomeo. You have five minutes.

Ms. Linda Vannucci: Thank you. I'm Linda Vannucci. I'm the lawyer/director at Toronto Workers' Health and Safety Legal Clinic. To my right is John Bartolomeo. He's a staff lawyer at the clinic.

The clinic has existed for 25 years. We act for low-wage workers. The clinic is a legal aid clinic, so they have to qualify financially. These are workers who earn less than \$15 an hour for the most part, and they're workers who are fired for raising health and safety concerns in their workplaces. We act for them at the Ontario Labour Relations Board to help them get their lost wages back and their jobs back, in cases where they want their jobs back. We also assist workers who have workers' compensation claims in getting their benefits, and we do some human rights work and employment standards work, as well.

I want to start by saying that we endorse the joint brief submitted by our colleagues at the Workers' Action Centre and at Parkdale Community Legal Services.

I want to say that we act for a lot of people—you've heard other stories today—who work through temporary

agencies, who are fired merely for saying that they're going to call an inspector.

I remember a case of a film editor, at one point, who was an assignment worker, a temporary worker, working next to people earning 50% more than he was. He saw a health and safety issue and said that he was going to call an inspector. When he appeared for work the next day, the gate was locked. He was called by his agency. He called back in. "You can't work there anymore." He was a complaint before the Ontario Labour Relations Board. So these are the kinds of things that I've been watching go on for 25 years through the increased use of temporary help agencies.

We are very much in favour of Bill 18 and the steps it has taken to reduce the negative impact of temporary help agencies on workers.

Concerning the poster requirement: We think it's a great requirement that employers provide workers with the poster laying out their rights under the Employment Standards Act, and that the poster be available in languages. But we do think that provision should be broadened to require the employer to actually give the workers a list of languages that the poster is available in and then offer to provide them with one. As it's currently written, it requires a worker to speak up and say, for example, "Do you have the poster in Spanish?" If people are fired for saying, "I'm going to call an inspector," I think it might raise the possibility of reprisals, if a worker has to ask for a poster in another language instead of just having it offered to them.

We're certainly in favour of the monetary limit being eliminated—the \$10,000. We think that that should be implemented as soon as possible—don't know why that should be delayed—and the extension of the time limit from six months to two years. We've met numerous workers who have come to us after they're out of time—it's just money lost for them—and also lots of workers who were longer-term workers whose claims were greater than \$10,000; basically the employer got off the hook for the additional amount because of that \$10,000 limit.

In schedule 4, concerning the Occupational Health and Safety Act, we think that the "worker" definition should be expanded. If you're going to include unpaid work, I think it should be expanded to include people who are not students but are instead—for example, we've seen foreign-trained professionals who are simply looking for work experience. We're not training them; they're looking for some Canadian experience to place on their resumé, and I think they should be included as well.

I think that people in that position—certainly we are not endorsing or in favour of unpaid work, by any means, but those individuals, since they're not being paid, have less to lose if they report health and safety hazards or employment standards violations to the Ministry of Labour, so these certainly should be covered by the Occupational Health and Safety Act.

I'm going to turn it over now to my colleague.

Mr. John Bartolomeo: We've provided a written brief, but the focus I'd like to address today—

The Vice-Chair (Mr. Joe Dickson): Thirty seconds.

Mr. John Bartolomeo: —is schedule 5. We endorse the costs being assigned to the client employer; however, we suggest expanding the requirement to include return-to-work provisions, so that the worker is required to return to the client employer rather than being shuffled off to an office they've had no connection with to do what we see in our day-to-day work: filing and other make-work tasks.

The Vice-Chair (Mr. Joe Dickson): Thank you. We will now go to the government side for the first question. I don't want all three of you ladies to raise your hand at once.

Ms. Ann Hoggarth: Apparently it's me. My light's on.

The Vice-Chair (Mr. Joe Dickson): Did you want to pass?

Ms. Ann Hoggarth: Thank you very much for your presentation. I understand that you believe that there are areas of this bill that you support, and there are areas that you think need to be amended. However, I believe that, with all bills, we're not all happy with them when they're first passed. Do you believe that there are many things in here that are good?

Mr. John Bartolomeo: I think we described it, in conclusion, that it is the first step toward the excellence that we hope to see in workplaces in the province. With the employment standards, we question the need for any delay in implementing the extension to the time limit and the elimination of the cap to recovery. With respect to the workplace safety and insurance provisions, we support the notion that we make client employers responsible for the costs, but they should be responsible for the accident and they should be responsible for the worker.

Return-to-work, which is what we are all striving for, should be with that client employer, and not with the temp agency, which is essentially a cover, or what we see as a method of avoiding dangerous tasks by the client employer and giving someone else the dangerous jobs.

Ms. Ann Hoggarth: So do you believe that the temp agency pays the WSIB deduction—that they should be responsible for the injury?

Mr. John Bartolomeo: The client employer is where the injury took place. The client employer has the occupational health and safety obligations, in addition to the temporary help agency. Why not make the client employer responsible for the entirety of the situation? They get to shuffle this worker off, never to be seen or heard from again, and has the accident been truly addressed? Has the health and safety concern been addressed? No.

Ms. Ann Hoggarth: So you believe that the temporary agency has no responsibility?

Mr. John Bartolomeo: The responsibility of the temporary agency is to act as payroll, not to have that worker on the books of the client agency. They can pay the costs while there are no accidents.

Ms. Ann Hoggarth: Okay. Thank you.

The Vice-Chair (Mr. Joe Dickson): You have 40 seconds.

Mr. Han Dong: I appreciate the presentation I just heard—I just want to jump in for a second—but the temp agency does have the ability to assess and to select which client employers are safer or more in compliance with the standards. Is that correct?

1700

Mr. John Bartolomeo: If I'm not mistaken, I think the Institute for Work and Health study on temporary help agencies found that temporary help agencies weren't inclined to disturb a relationship if it was financially beneficial to them.

Mr. Han Dong: You didn't answer my question. Do they have the ability to assess which one is safer or more in compliance with the standards?

Mr. John Bartolomeo: My response is, they do not exercise that responsibility.

The Vice-Chair (Mr. Joe Dickson): That is the time on those questions. We will now defer to the Progressive Conservative Party. Mr. Pettapiece.

Mr. Randy Pettapiece: Thank you, Chair. I just got confused here. I thought I had this thing settled in my mind on this workers' compensation business. The temp agency, you're saying, does not have to pay premiums to workers' compensation?

Mr. John Bartolomeo: Let me rephrase for you: Every employer pays premiums.

Mr. Randy Pettapiece: Right.

Mr. John Bartolomeo: When you have an accident, your premiums are likely adjusted. The way the act is written, the adjustment for the accident would be transferred to the client employer. I can understand that the client employer would say, "Well, wait a minute. Why am I suddenly being lumbered with this?" You're paying your premiums, in a sense, up front. All of a sudden, you're hit with an extra-large bill—

Mr. Randy Pettapiece: All of a sudden what?

Mr. John Bartolomeo: You're hit with a bill essentially for the premium costs of the accident. But the accident was at your workplace. The accident was through whatever work was being done at the client agency. What the bill does is transfer those costs to where the accident happened.

The temporary agency would, if the proposed legislation is not passed, pay those costs. What we're suggesting is the client employer pay those costs and, as well, assume the responsibility for return to work, which is another aspect of workers' compensation.

Ms. Linda Vannucci: Could I just add one thing to that? We want to de-incentivize employers from contracting the dangerous jobs out to temporary agencies, when it's the location employer, the client employer, that has the dangerous work conditions that can be corrected. Therefore, they should assume the costs of workers' compensation premiums, of the accident and of returning the permanently impaired worker to work.

Mr. Randy Pettapiece: I can understand that. In fact, I think it's not fair to send workers into a dangerous—if it's too dangerous for them to work, or they don't know what is, they shouldn't be there, and they have a right actually to refuse that. But my point is this: As I under-

stand it, when I hire a temp agency to supply me with workers, they have paid a premium already on workers' comp?

Mr. John Bartolomeo: Yes.

Ms. Linda Vannucci: Yes.

Mr. Randy Pettapiece: So the worker gets hurt on my job site. The premium has already been paid. Why should I get whacked with a premium? We are also told that there are some rules there, and I hope I'm getting this right, that can assess damage to an employer, not the temp agency but the employer, if he's found negligent or whatever else. Is that true?

Ms. Linda Vannucci: A little-used rule. You should be the responsible party, sir, because it's your workplace that has the dangerous conditions that caused the accident—

Mr. Randy Pettapiece: But the premium—no, no, no—

Ms. Linda Vannucci: —and the increase in the premium is going to cause you to correct those dangerous conditions theoretically.

Mr. Randy Pettapiece: No, I never said "dangerous conditions." I said workers should not be thrown into dangerous conditions. If he or she gets hurt—trips over in a mud puddle or something and sprains their ankle, or whatever, something like that—the premiums have already been paid—

The Vice-Chair (Mr. Joe Dickson): Thank you for your comments. We will now go on to Mr. Natyshak from the NDP for his questions.

Mr. Taras Natyshak: Thanks for clarifying that with me because one of the previous presenters had a completely different version, or I guess opinion, as to who should be liable.

Maybe I'll just give you the opportunity, because it's only three minutes—the three minutes for deputations was decided by the government, which I don't believe is long enough. We should give you 10 minutes, five minutes—I don't know. There are lots of people that want to speak.

The rest of the floor I hand to you to talk about the bill, its effects and what you'd like to see more out of this government.

Ms. Linda Vannucci: Well, one thing that we haven't mentioned is the enforcement of the bill, which I think is very important. What good is the law if it isn't enforced? We see that often with occupational health and safety laws, that a worker has to complain in order to get an inspection of their workplace. We're in favour of proactive inspections and proactive enforcement, and would hope that this bill, if and when passed, would be enforced in a proactive manner, and not have to have workers place their livelihood on the line in order to get the laws enforced in their workplace, which is what making a complaint does. So—

Interjections.

Mr. Taras Natyshak: Just pardon me. Chair, I can't hear—I can hear the government side talking. Even though you're whispering, you're whispering—

Interruption.

Mr. Taras Natyshak: Thanks for dropping the hammer, Chair. Please?

Mr. John Bartolomeo: With respect, I think we've addressed the concerns we have with regards to client agencies and workers' comp. But it's important to consider where the accident happened and whose responsibility is the accident. It's our view that it remains solely with the client employers with respect to the inclusion to the definition of workers and our proposal to expand it to include work experience.

Cognizant of that, again, enforcement: We've proposed a change to the Labour Relations Act to allow a vice-chair of the Labour Relations Board to find more proactive and more expansive ways to right the wrongs. That goes against workers who are trainees or students or co-op placements, because the way the act is written it's questionable whether or not they can get the recourse they need.

Mr. Taras Natyshak: That proposal is in your submission?

Mr. John Bartolomeo: It is, yes.

Mr. Taras Natyshak: We've made amendments and many of them have been ruled out of order for one reason or another. I'm not really certain around the mechanics of that or not, but I'd love to expand on that and potentially try to slide it into another bill at some point and see where it would be in order, because I think that's an integral part of making workplaces safer, fairer and more equitable for workers in the province of Ontario.

I appreciate your submission today. Thank you very much for the representation that you give to workers and vulnerable workers in Toronto. I commend you on the work. Thanks for being here.

Mr. John Bartolomeo: Thank you.

Ms. Linda Vannucci: Thank you.

The Vice-Chair (Mr. Joe Dickson): I gave you eight extra seconds.

Mr. Taras Natyshak: Thanks, Chair.

The Vice-Chair (Mr. Joe Dickson): I'd like to thank you very, very much. I appreciate your presentation and look forward to seeing you again. Have a wonderful, sunny afternoon.

Mr. Mike Colle: The sun has already set.

CAREGIVERS' ACTION CENTRE

The Vice-Chair (Mr. Joe Dickson): I'd like to call on the Caregivers' Action Centre and Ms. Draman. How are you today? Welcome. Make yourself comfortable. As soon as it's quiet, you'll start. You'll start now.

Ms. Liza Draman: Good afternoon, everyone. Thank you for the opportunity to speak with you this afternoon. My name is Liza Draman, from the Caregivers' Action Centre, a former full-time live-in caregiver, part of Canada's Temporary Foreign Worker Program—work for an elderly.

The Caregivers' Action Centre is a grassroots organization of former and current live-in caregivers advocating

and lobbying for fair employment, immigration status and access to settlement services through self-organizing, research and education. The Caregivers' Action Centre is a member of the Migrant Workers Alliance for Change.

Today I would like to talk about recruitment fees from the perspective of caregivers, and that is part of Bill 18.

Many caregivers come to Canada through recruitment agencies and are asked to pay a placement fee of \$3,000 up to as much as \$4,000 on an installment basis. The first payment is usually done in the Philippines or in Hong Kong before processing; the second payment is after we have received our initial documents; and the final payment when we sign a work contract with a Canadian employer. Payments are made outside Canada or through money remittance like Western Union. Many caregivers have to acquire a loan through moneylenders with high interest just to pay the recruitment fee. As a consequence, entire families will go into debt.

Oftentimes when caregivers like me arrive here, work conditions and wages are not as they were promised or agreed to. With families back home in debt we are afraid to complain about ill treatment of bad bosses here. Our temporary work status hinders us further from complaining.

In 2009, due to advocacy by CAC members and other support organizations, issues with the recruitment agencies came under public scrutiny. As a result, Bill 210, called the Employment Protection for Foreign Nationals Act, was introduced and adopted. It became illegal for recruiters and recruitment agencies to charge a fee for finding work. It became illegal for an employer or recruiter to take possession of documents like passports or other property. It became illegal for an employer or recruiter to penalize caregivers who enforce their rights under the law.

1710

Today, you are discussing expanding EPFNA from caregivers to all temporary foreign workers. That is a good thing, but it's not enough. Based on the survey conducted by us at CAC at the end of 2013, two thirds of caregivers are still forced to pay a recruitment fee, even though it's against the law. On average, the caregivers we surveyed had paid \$3,300, and this is after the law was passed.

In most cases, payments were made without receipt and from abroad. After three years of EPFNA, based on documents from the Ministry of Labour, caregivers have only recovered \$12,000. Bill 210 was supposed to stop recruitment fees, but caregivers are still paying fees and the fees are getting higher.

Bill 210 doesn't work, because it requires caregivers to come forward and file complaints. They cannot do that, because they can't take a risk. The recruiters in home countries, or the employers here, can retaliate either against our families or because of immigration status.

The Vice-Chair (Mr. Joe Dickson): Ten seconds.

Ms. Liza Draman: The decision to expand EPFNA to all workers rather than just caregivers shows that the

government realizes that recruiters are a major concern. All workers should be protected, and to make sure that protection is effective—

The Vice-Chair (Mr. Joe Dickson): Thank you, Ms. Draman. We will now go to the Progressive Conservative Party to speak with our guest.

Mr. Randy Pettapiece: Can you tell me something about this organization you work with, the Caregivers' Action Centre?

Ms. Liza Draman: The Caregivers' Action Centre is an organization of all caregivers, former caregivers and current caregivers. We organize ourselves to help other caregivers and make them aware that their rights are protected under the Employment Standards Act of Ontario.

Mr. Randy Pettapiece: So you would help people who maybe can't understand the rules and regulations, or whatever, of certain laws. You would help them out, to explain these things to them?

Ms. Liza Draman: That's correct. In our conversations with a lot of caregivers—they suffer a lot of abuse in the workplace, so with their status as temporary workers, they are afraid to file a complaint.

Mr. Randy Pettapiece: These are temporary workers you're talking—

Ms. Liza Draman: Because they are temporary workers. We are temporary workers. We are tied with immigration requirements. We need to fulfill 24 months for us to be qualified to apply for permanent residence. We are bound with that, and we don't want to jeopardize our application in the future. So, many caregivers stay quiet or stay silent.

Mr. Randy Pettapiece: Okay. So that's what your organization does. It just helps these people work through the system and gives them reassurance that they can do it as long as they follow certain rules. But you're also finding that some of them are afraid to speak up, because they don't want to lose their chance of citizenship in this country?

Ms. Liza Draman: That's part of it.

Mr. Randy Pettapiece: All right. Thank you, Chair.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. I apologize. I went out of sequence, so I might as well maintain that inconsistency and stay out of sequence.

The next speaker, if you would: Mr. Natyshak, from the NDP party.

Mr. Taras Natyshak: Thank you for your presentation—very clearly articulated, very well laid out.

Ms. Liza Draman: Thank you.

Mr. Taras Natyshak: My question is that somehow the message is not getting out to potential caregivers in other countries that Ontario has adopted a new law that prohibits the collecting of recruitment fees. Do you think the government of Ontario could do better in explaining, expanding, connecting with people considering working in Ontario, even before they get here, to know their rights so we save people money at the beginning? Do you think we could do a better job at that, or at least do something? Or do we do anything? I don't even know if we do anything. Do we?

Ms. Liza Draman: That is very nice to do. It would be nice if we spread that news. Registration of employers and licensing of agencies would help in that matter, because if I am an applicant, I can go online and if these recruitment agencies were registered and legitimate, then I am confident that I can apply to this agency. Since the application is free, then I don't need to worry, because that is a thing that is already accepted in Ontario. That would be a great help.

Mr. Taras Natyshak: That makes so much sense to me. It's a matter of fairness and humanity. So your testimony here today informs us at this committee and the government side. It will be up to them to make that decision, to implement that measure of fairness. I hope they take your testimony very seriously and under very deep consideration, because if we are intent on fixing the issue and providing fairness and equality, then that's an important measure. It has to be enacted; it has to be brought forward. We will lose the effect of the bill if we don't send a strong message that compliance and fairness has to be the measure of the matter here in the province.

That's all for my comments. I appreciate your testimony. Thank you very much.

Ms. Liza Draman: Thank you. That would help the caregivers and other migrant workers.

The Vice-Chair (Mr. Joe Dickson): Thank you very much. I will now go to the government side. The first speaker is Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you, Chair.

Thank you for your presentation. Just to remind you: There are 107 members of this government, and Mr. Natyshak, you're one of them.

Mr. Taras Natyshak: Yes. You're the majority, though.

Ms. Ann Hoggarth: In regard to what you said, I don't know how our government could stop recruitment fees that are paid in another country, unless there was some kind of policy that was done on the federal level with all countries in order for that to be enforced. Currently, when you get here, as of this bill, there cannot be recruitment fees charged. However, do you have any idea how we could stop recruitment fees from being charged before you get here?

Ms. Liza Draman: Like I've said, and it may have been discussed earlier, licensing of recruitment agencies would help a lot, because these recruitment agencies are like a hunting knife with a double blade: They are charging fees from the employer and they are charging fees from the applicant. That is what they look like. If you are an employer, why do I need to pay? And at the same time, the applicant will also pay. Why does this applicant need to pay?

The Vice-Chair (Mr. Joe Dickson): Thank you. The next speaker will be Mr. Colle.

Mr. Mike Colle: Are you aware of my private member's bill that was the precursor to Bill 2, the caregivers' protection act in 2009?

Ms. Liza Draman: Bill 2?

Mr. Mike Colle: My law that brought about the change for Bill 2: Are you aware of that?

Ms. Liza Draman: Do you mind to mention that, please?

Mr. Mike Colle: I was involved in bringing about the caregivers' protection act. I produced the private member's bill that eventually pushed the government to adopt Bill 2. You're not aware of that bill that I had?

Ms. Liza Draman: In my knowledge, I am not, unless you can mention some—

Mr. Mike Colle: Mr. Chair, the researcher—I don't expect you to know that because I've been at this a long time, but I appreciate you coming and helping—could you get all members of the committee a copy of my private member's bill and compare it to Bill 2, which is now in effect, so that the members can have that bill to compare with what's in effect now? My bill was called the caregivers' protection act, Bill 160.

The Vice-Chair (Mr. Joe Dickson): Do you have Ms. Draman's address?

We will get your address, Ms. Draman, so you can get that answer.

Ms. Liza Draman: Thank you.

The Vice-Chair (Mr. Joe Dickson): I do have two more scheduled delegations. We don't see Social Planning Toronto as yet, but as a courtesy—I think it's premature by your time, which is right.

Interjection.

The Chair (Mr. Joe Dickson): It's 5:21; they're scheduled for 5:30. Let's give them 10 minutes. That leaves Health Providers Against Poverty. Again, why don't we give them an extra 10 minutes.

Ms. Ann Hoggarth: Just a point of order.

The Vice-Chair (Mr. Joe Dickson): Certainly.

Ms. Ann Hoggarth: Mr. Pinto has already made a presentation. Are you allowed to make two presentations?

The Vice-Chair (Mr. Joe Dickson): There are two different gentlemen with—

Interjections.

The Vice-Chair (Mr. Joe Dickson): Two gentlemen with the same name or one gentleman—two names?

Interjections.

The Vice-Chair (Mr. Joe Dickson): One is a lawyer and one is a doctor, and we might send both of them up to interview you, Mr. Colle.

Mr. Taras Natyshak: Is the last Andrew Pinto here in the crowd?

The Vice-Chair (Mr. Joe Dickson): We just checked, but they have a couple of moments before they're scheduled to be on.

Interjections.

Mr. Taras Natyshak: Nor is John Campey from Social Planning Toronto?

Interjection: No.

Mr. Taras Natyshak: So they're not here.

The Vice-Chair (Mr. Joe Dickson): It's 5:23 and they're scheduled for 5:30. As a courtesy, I think the appropriate thing would be to give them seven more minutes.

Mr. Taras Natyshak: I think so, too, Chair, but I would say whoever shows up first gets to go first.

Mr. Mike Colle: I don't know if this is a different Pinto. I think it's the same one.

Interjections.

The Vice-Chair (Mr. Joe Dickson): Would one of you like to recommend a recess for five minutes? Is that appropriate with all, informally? Thank you.

The committee recessed from 1723 to 1729.

The Vice-Chair (Mr. Joe Dickson): Ladies and gentlemen, I wonder if we could reconvene, please. Would somebody be good enough to check the door to the outside and ask any members to come in?

Interjections.

The Vice-Chair (Mr. Joe Dickson): It all depends on you, Mr. Colle, whether we finish on time or not.

Interjections.

The Vice-Chair (Mr. Joe Dickson): Four minutes ago, Mr. Natyshak said he'd be back in three minutes. I'm prepared—

Mr. Mike Colle: I think we've got to get started, because we've got a decreasing amount of time.

The Vice-Chair (Mr. Joe Dickson): There he is. We're ready to start again. Good to have you back, sir.

Mr. Taras Natyshak: Thank you.

The Vice-Chair (Mr. Joe Dickson): Ladies and gentlemen, we will start again. By the way, you know that, by legislation, we must end at 6 o'clock—

Mr. Mike Colle: Okay, let's get started, then. Come on.

The Vice-Chair (Mr. Joe Dickson): —and as soon as people stop interfering, we'll get finished that much faster.

SOCIAL PLANNING TORONTO

The Vice-Chair (Mr. Joe Dickson): I would ask Mr. Campey, executive director of the social planning council of Toronto, to come forward. Welcome, sir. Welcome to both of you gentlemen. The floor is yours. You have five minutes.

Mr. John Campey: Thank you very much for the opportunity to speak to you today. My name is John Campey. I'm the executive director of Social Planning Toronto. I'd like to introduce my colleague Mohamed Araf, who is a newly minted researcher with Social Planning Toronto.

The Vice-Chair (Mr. Joe Dickson): Mr. Araf and Mr. Campey. Thank you.

Mr. John Campey: Social Planning Toronto, for those of you who aren't familiar with our work, is a non-profit organization that engages in research and advocacy, with a view to improving the quality of life of all residents of Toronto. I am also speaking today on behalf of the Social Planning Network of Ontario, which is the province-wide network of 15 social planning councils in different cities and communities spread across the province.

As an organization committed to social and economic justice and equity, we'd like to strongly endorse the Workers' Action Centre's submission on Bill 18, the Strong Workplaces for a Stronger Economy Act. We're very pleased that you've brought to the table the need for better protections for workers. We strongly support the several amendments to the bill being proposed by the Worker's Action Centre, and would like to talk specifically about two of them.

The rise of precarious temporary employment is a disturbing trend in Ontario's labour market. Precarious jobs are often unstable, low-paid, involve poor working conditions and provide no health benefits, sick pay or pensions. Over 500,000 people in Ontario have temporary jobs, many of which are provided through temporary help agencies.

Precarious employment is even more prevalent in the greater Toronto area and Hamilton. According to the Poverty and Employment Precarity in Southern Ontario, or PEPSO, report, there has been a 50% increase in precarious employment in the GTA and Hamilton area over the past decade or so. A large number of these jobs are held by racialized people, newcomers, women and young people who struggle with poverty and often work two or three jobs through a temporary agency to pay their bills and support their families.

On average, a worker hired through a temporary agency earns 40% less than a regular employee who does the same job. In many cases, temporary agency workers continue to be deprived of their basic employment rights such as holiday pay, sick days and vacations. Many have to fight for their unpaid wages, and go back and forth between temp agencies and client companies in an attempt to recover their unpaid wages.

Precarious employment also has negative effects on many workers' lives. The PEPSO report suggests that many precarious workers report anxiety, and problems paying for basic needs, finding child care and being engaged in civic activities. We believe that laws to better protect these workers can promote social and economic justice and equity for all residents of our province.

Bill 18 is a positive step toward providing better protections for temp agency workers. However, we believe that more needs to be done to ensure fairness in workplaces. The bill introduces joint liability between temporary help agencies and their client companies, making both responsible for unpaid regular wages and unpaid overtime under the Employment Standards Act. This is an important step as it recognizes the fact that many temp workers face unpaid wages. Secondly, it holds responsible not only the temp agency but also client companies who, in fact, determine job duties, train workers, supervise them and set hours of work. Joint liability can provide an incentive for client companies to comply with employment standards for workers.

While we believe an introduction of joint liability can ensure better protections for temp agency workers and fairness at workplaces, we support the Workers' Action Centre's proposed amendment that joint liability should

extend beyond unpaid wages and overtime pay to include all employment standards rights, including public holiday pay. A Ministry of Labour inspection blitz of temporary help agencies discovered in 2013 that 70% of employers had monetary violations, the most common violation having been unpaid public holiday pay. We believe that unless joint liability is extended to all employment standards, temporary workers will continue to face violations of their rights.

Currently, many workers are unable to file complaints to recover their unpaid wages within a six-month claims period. We are glad that Bill 18 extends the claims period from six months to two years and removes the \$10,000 limit on the amount of unpaid wages that workers are allowed to claim. However, we echo the concern of the Workers' Action Centre that this legislation, if passed, will not be implemented until after a six-month grace period for employers. Agencies and employers continue to take advantage—

The Vice-Chair (Mr. Joe Dickson): Ten seconds.

Mr. John Campey: —of the limited cap on the amount of unpaid wages and the short claims period. This must be stopped, and we urge you to enforce the legislation immediately if it's passed. Thank you very much for the opportunity to speak to you today.

The Vice-Chair (Mr. Joe Dickson): Thank you, sir. I will immediately go to the NDP. Mr. Natyshak.

Mr. Taras Natyshak: Thank you, sir. Thank you very much for your submission, Mr. Campey. Also, congratulations, Mr. Araf, for your new position. I'm going to give you a chance at the wheel here pretty soon, in a second.

The New Democrats will be proposing amendments to the bill, and they address the concerns which you just raised.

Specifically:

"Amounts for which the client may be liable

"(3) The amounts for which atemporary help agency and clients of the agency are jointly and severally liable under subsections (1) and (2) are the following:

"1. Regular wages earned during the relevant pay period.

"2. Overtime pay earned during the relevant pay period.

"3. Public holiday pay earned during the relevant pay period.

"4. Vacation pay earned during the relevant pay period.

"5. Any other wages, pay, remuneration or other compensation earned during the relevant pay period."

As was pointed out by my colleague on the government side, I am a member of this House, apparently, and I was duly elected as such. But the fact is, the government is in a majority position. They have a majority on this committee. This amendment will come before the committee and it will be incumbent upon them to actually pass these amendments if they want to strengthen the bill and listen to the concerns of the Workers' Action Centre and other folks that have come before us today to provide the exact same testimony.

So I will point that out and I hope that they do the right thing. It will be up to them. I will continue to do my job to push them forward.

That being said, I want to give Mr. Araf the ability to take up the rest of the time and tell us what you think about the bill. Thank you very much.

Mr. Mohamed Araf: I believe that the amendments that the Workers' Action Centre is proposing are really important to ensure that workplaces are fair and treat workers fairly. I also echo the same concerns that the Workers' Action Centre has, especially on the immediate implementation of the changes and the cap on the amount of wages that could be recovered by a worker and also the extension of the claims period from six months to two years. I believe that this is very important, and we need to move forward immediately with that.

Mr. Taras Natyshak: Very good.

Would you like to continue with this train of thought?

Mr. John Campey: I think just a quick comment that in terms of the amendments that are being suggested, the government has stated that it wants to be a fair, open and inclusive government. I believe that the amendments are entirely consistent with the commitments that the Premier and the government have made around issues of fairness. It seems that if you—

The Vice-Chair (Mr. Joe Dickson): Thank you.

1740

Mr. Taras Natyshak: Let's hope so. Thank you very much.

The Vice-Chair (Mr. Joe Dickson): The next speakers are on the government side. The speaker is—do we have a speaker? Mr. Colle.

Mr. Mike Colle: Yes. In terms of the increase in the number of what you call precarious workers, what do you think that is precipitated by?

Mr. John Campey: I think there is a broad range of issues that have led to that. Part of it is globalization; part of it is the decline in unionization in the private sector; and again, there is a decrease in protection for workers and a demand for more just-in-time delivery of a range of services. I think there's a broad range of actions, some of which are beyond the purview of the province, but many of which the province could act on and, I think, has acted on a number. We'd like to see further action around things like better access to collective bargaining. The increases in the minimum wage and setting those on a regular schedule adjusted to inflation are important steps, but there are many other things the province could do to address precariousness.

Mr. Mike Colle: Don't you think this is also partly due to the fact that the average consumer—some of them, in fact, are in low-paying jobs themselves—will not be aware of the fact that there are so many people being literally brought in as temporary workers, foreign workers, migrant workers, and yet they wonder why their wages are low and their benefits are low? Yet basically the population as a whole tolerates all these workers who are here with low wages and with no protection, because I guess the public wants to go to Walmart. They don't

want to shop locally. They want to buy imported Chinese products from people working minimum wage, and they don't see the connection.

Mr. John Campey: And I think this is one of the important places where collective action on the part of governments can actually make the changes that, in general, people would agree with. I think the population of Ontario and of Canada wants to see people paid a decent wage and doesn't want to see people working full-time still living in poverty.

The Vice-Chair (Mr. Joe Dickson): Twenty seconds.

Mr. John Campey: But those decisions, when you're trading that off against your personal economic decisions, it's hard for one person to make those differences. I think we look collectively to government to take a leadership role there.

Mr. Han Dong: I just want to—

The Vice-Chair (Mr. Joe Dickson): Thank you very much. Sorry, we will have to go on to the next speaker, and that will be Mr. Pettapiece.

Mr. Han Dong: That wasn't 20 seconds; that was like 15 seconds.

The Vice-Chair (Mr. Joe Dickson): I'm sorry. I have a—

Mr. Mike Colle: Don't challenge the Chair.

Mr. Randy Pettapiece: Thank you, Mr. Chair, for your fair judgment and—

The Vice-Chair (Mr. Joe Dickson): You're just using up your time, sir.

Mr. Randy Pettapiece: Yes, I know that.

In the first paragraph, you have: "Over 500,000 people in Ontario have temporary jobs." There are many reasons for this happening, not just one or two. Would you suggest or tell me what you think of this kind of phenomenon—temporary jobs—and why it's growing so fast?

Mr. John Campey: I think there is a range of reasons. Part of it, as I said, is the change through globalization to the economy. I think there is also a strong incentive for many employers to hire part-time workers. That is a way to avoid having to pay benefits to take people on staff permanently. Part of that is just trying to drive down your costs; part of that is because there are some precarious employers as well who can't afford to hire a full-time person.

When the economy is in a state of a flux, as it is now, it's often a challenge—the decision employers make as to whether they should hire a full-time person or a part-time person. There are many factors that lead into that, but again, it's one of those things that government action can, in fact, promote and encourage employers to hire into permanent positions.

Mr. Randy Pettapiece: It's difficult, though—I think you might agree with this—when the economy is in a state of flux, for a government to legislate prosperity. I think that's where we're kind of at. Since 2008, we've lost all kinds of manufacturing jobs, and these were the good-paying jobs. Now we've got an economy that's come back and trying to employ those workers at times, and they go, "We'll employ you, but we're just going to

have a few lower wages here,” and this has maybe helped with the growth of these temporary agencies.

You used the words “fair and inclusive,” which the Premier has used many times. In fact, many members in the government used that term “fair and inclusive.” We’ve talked about minimum wage quite a bit here today—

The Vice-Chair (Mr. Joe Dickson): Twenty seconds.

Mr. Randy Pettapiece: What are your thoughts on where the minimum wage is or is going to?

Mr. John Campey: I believe the minimum wage should be set so that a person working full-time is lifted above the poverty line. So there is still a way to go from the existing minimum wage, and it does need to be indexed.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Mr. Campey. Thank you very much, Mr. Araf. We appreciate your time.

Mr. John Campey: Thank you for your time.

HEALTH PROVIDERS AGAINST POVERTY

The Vice-Chair (Mr. Joe Dickson): The next speaker is Mr. Andrew Pinto from Health Providers Against Poverty. The clock is on, sir. Welcome. It’s good to have you here.

Dr. Andrew Pinto: Thanks so much for having me. It’s a real honour. My name is Andrew Pinto. I guess I’m the second one today.

Mr. Randy Pettapiece: You don’t look like the other guy, though.

Dr. Andrew Pinto: Not at all.

I’m a family physician and public health and preventive medicine specialist at St. Mike’s hospital here in Toronto. I’m a research fellow with a focus in health economics and on addressing social determinants of health, which are really the conditions in which we are born, grow, live and age. That’s what brings me here today.

I’m speaking on behalf of a group called Health Providers Against Poverty, which is made up of physicians, nurses, nurse practitioners, occupational therapists and others who are working on the front lines of health care in Ontario. We believe that poverty is a serious and reversible threat to the health of Ontarians and we work from a very well-accepted understanding that poverty is one of the most powerful risk factors for ill health.

So clearly an enormous determinant of poverty is whether or not someone has a job. If they do have a job, how much does that job pay and what are the conditions of their work? Just to give you a sense of this, let me tell you about a few cases from my clinic and from my practice that I see.

I’m thinking of a patient of mine who I have known for a number of years who is in her early fifties and who is recovering from depression and post-traumatic stress disorder related to an abusive partner who was also financially abusive. She has been able to emerge from that situation, and she’s now working full-time at a

coffee shop and making minimum wage. She struggles each month with making ends meet and with paying her bills. It affects her depression and her insomnia and her symptoms because of this stress.

I think about another patient of mine who is another example of being affected by this legislation. He’s in his fifties and he was fired from his job when he had a heart attack and he required a cardiac procedure and he was admitted to hospital. His job was very low-paying—he worked delivering pizza—and he had very little job security. But now he has really been unable to re-enter the workforce. He is on ODSP and his savings are slowly dwindling. It really affects his health that he basically stays at home and is unable to engage with the rest of society.

Then I think about another patient of mine who is in his late forties, very hard-working, who was let go of his job during the recession; he has been able to regain work in the hospitality industry, but he really struggles with enormous irregularity in his hours. He’ll get two or three days of 12-hours shifts and then he’ll be off for quite a while. What he finds is that having such intense work hours exacerbates his lower-back pain and his tendinitis. But it also makes him very worried about complaining, because if he complains he’s worried he won’t get many shifts, and he’s just struggling to get by right now.

Clearly these examples all illustrate the power of employment and working conditions and how they influence health, and I’m sure this is nothing new to you. I won’t go into detail. The handout that I’ve provided is from colleagues at Access Alliance health centre and it just pictorially represents some of the impacts on health of these conditions and really why a physician is speaking to you today.

I want to just highlight that first it’s really important that many of the changes in this bill—and I want to congratulate you that it is going forward with a number of very important things that will help working conditions for my patients. But I wanted to highlight a few things. Similar to others, I do agree with and support the amendments proposed by the Workers’ Action Centre; specifically, the importance around temp agencies. I don’t see any rationale why the bill wouldn’t be amended to include that all companies are jointly responsible for all conditions under the Employment Standards Act.

Secondly, the issue around wage theft. Why allow a six-month grace period? Why not enact it immediately with the passage of the bill so that workers can really benefit from this?

1750

Just to conclude: The health of my patients and the health and well-being of families are really in your hands as you shape this legislation.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Mr. Pinto. I appreciate your presentation.

We will now go to the government side, Mr. Colle.

Mr. Mike Colle: I just want to thank you, Doctor. I know the incredible work that the doctors at St. Michael’s Hospital do. I have a friend who is the head of pediatrics

there, Dr. Anthony Barozzino, and I know he's been working on a special project with children who are high-risk births. Like I tell my colleagues, if you want to see the connection between the social determinants of health and our health care system and the impact and the cost, just sit for a few hours in emergency at St. Mike's. You'll see real, live economics and medicine at work there. I just want to commend all the men and women and nurses and everybody who does incredible work at St. Michael's Hospital.

Thank you so much for bringing this forward.

I want to also thank Access Alliance. They said when the digital economy and the digital world came, we would be paperless. That's what they promised us. As you know, consequently, we have more paper than we ever had before. Sometimes a table like this is much more effective than a huge, thick binder of information, so I want to thank the people at Access Alliance for making this available. I think it's the type of thing that would really help clarify a lot of these complex issues. So thank you for that.

Dr. Andrew Pinto: Thank you.

The Vice-Chair (Mr. Joe Dickson): Thank you, Mr. Colle. We have time for one short question, Mr. Dong.

Mr. Han Dong: Thank you, Doctor, for your presentation. I noticed that you mentioned that there are a lot of jobs that affect people's lives and quality of life. In my mind, it doesn't matter the type of job, someone still has to do it. The difference is, if the output is the same—it doesn't matter if it's a foreign worker or temporary worker—the compensation should be kept on the same level. Do you believe that this bill captures the essence of fairness?

Dr. Andrew Pinto: Thanks for that question. I think that there are aspects of this bill that do impose a sense of fairness to treat workers in the same way. A good example is the joint responsibility for client companies and temp agencies for wages and overtime. That's starting to make it seem that temp workers do have some of the same rights as other, non-temp workers.

The Vice-Chair (Mr. Joe Dickson): Twenty seconds.

Dr. Andrew Pinto: But I do think that it needs to go a little bit further, particularly around this idea of just being selective around just the wages and overtime. I don't understand why it would be. Why not treat all workers in the province the same and give them the same sort of protections?

The Vice-Chair (Mr. Joe Dickson): Thank you very much. Thank you, Doctor.

I will now go to the PC Party, Mr. Pettapiece, please.

Mr. Randy Pettapiece: Thank you, Chair. Welcome, Doctor. Thanks for coming out today.

I'm reading over your chart as this has gone on: One in seven Canadian wage workers are in temp jobs and one in five Canadian wage workers are in part-time jobs. There are only, what, 30 million people in Canada or somewhere around there. These numbers are interesting. Do you have any insight into why this is happening or what's going on here?

Dr. Andrew Pinto: Yes, thank you for that question. In some ways, it's similar to the previous speaker. What's really underlying a lot of this? The reality is, there is an increase in precarity for workers, and the issues that are driving that are an enormous number of factors, including what was mentioned previously: the decrease in unionized positions, so workers are not protected by collective action and collective bargaining; there is a shift away from manufacturing in the province, which we all know and which was mentioned as well, and that's changing the types of jobs that people are working in as well.

But what I think this legislation is trying to do is trying to catch up, trying to say, "We're in this new world and let's try to make sure that the laws are protecting workers." I think there are a few amendments that could advance that just a little bit further to help protect workers and their families.

Mr. Randy Pettapiece: I would suggest, too, that a lot of those good union jobs, the high-paying jobs, were gone when the manufacturing industry started to leave this province.

Do you have any suggestions you'd like to see, any amendments that are number one in your mind—one or two that you would like to see done?

Dr. Andrew Pinto: Other than the ones I mentioned, I did want to bring up, if I have the time, something that I'm sure you've talked about a lot in this room—

The Vice-Chair (Mr. Joe Dickson): You have 30 seconds.

Dr. Andrew Pinto: —and it's around the minimum wage. It is a positive step that, after many years of being frozen, it was increased to \$11 and now there's an effort to index it. But I still think—and we can all do the math—that working at \$11 an hour full-time still keeps someone below the low-income cut-off, the poverty line in Canada. Health Providers Against Poverty has spoken out, asking that that be increased so that someone working full-time in this province is not living in poverty.

Mr. Randy Pettapiece: Thank you.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Doctor. Thank you very much, Mr. Pettapiece.

Dr. Andrew Pinto: Thank you.

The Vice-Chair (Mr. Joe Dickson): I now go to—sorry, Doctor, one more. We waited for him to come back, so you want to hear from him.

Mr. Taras Natyshak: Thank you, Chair.

Dr. Pinto, thank you for your testimony here today. I agree with everything you said, so thanks very much. I think you're right on the money—

Interjections.

Mr. Taras Natyshak: If I may, Chair. You're going to want to hear this.

I think it's an important conclusion to today's hearing: the effect, the link between insecurity, precariousness and the social determinants of a person's health when they are found in that position.

You began your remarks by saying that poverty is reversible, did you not?

Dr. Andrew Pinto: Yes.

Mr. Taras Natyshak: We've been searching for: What's the reason here? We've mentioned globalization. Damn right it's globalization. It's free trade. It's deregulation of the financial sector in the United States. It's privatization. It's outsourcing. It's all of those things that have been promoted by successive federal governments and provincial governments, and that have hindered any growth from the bottom up. It's an economic model that is like a zombie: It refuses to die. Those policies refuse to die. This sounds like a rant, and it is.

It's similar to what we're doing around climate change right now. The talk around climate change—the science is out; we know it's here, we know it's coming. We're now talking about mitigation. Because of the policies we've enacted for the last 100 years, now we figure, “You know what? We can't do anything about it, so let's build big walls and fortresses and try to elevate our plots of land so we don't float away.”

Well, we have the opportunity here, and I implore the government to take substantial moves not only on this issue but, as you've mentioned, access to organization to organize labour and collective agreements, those important foundational aspects of a civil and cohesive society that we have examples of in other countries and that

make that economic model work. I see it, you see it, the vast majority of the people who have given testimony here today see it. I hope someone in government sees it too.

I cede the floor to you for any remaining time. Thanks for your testimony here today. I appreciate it.

The Vice-Chair (Mr. Joe Dickson): Thank you very much, Doctor.

Thank you to all the presenters; I thank you for all the legislators who are here today.

I just want to make you aware that the deadline for filing amendments to the bill with the Clerk of the committee shall be 1 o'clock on Friday, October 31, 2014, and that the committee shall be authorized to meet on Monday, November 3, 2014, during its regular meeting times, for the purpose of clause-by-clause consideration of the bill.

I would also move and second—

Mr. Mike Colle: Wait a second. Can we have a clock back in this room? It has been taken out, and since we work with the clock—

The Vice-Chair (Mr. Joe Dickson): That's an issue we can deal with after. The meeting is over.

The committee adjourned at 1759.

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Lundi 3 November 2014

Standing Committee on General Government

Stronger Workplaces
for a Stronger Economy Act, 2014

Comité permanent des affaires gouvernementales

Loi de 2014 sur l'amélioration
du lieu de travail au service
d'une économie plus forte

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 3 November 2014

Lundi 3 novembre 2014

*The committee met at 1404 in committee room 2.*STRONGER WORKPLACES
FOR A STRONGER ECONOMY ACT, 2014
LOI DE 2014 SUR L'AMÉLIORATION
DU LIEU DE TRAVAIL AU SERVICE
D'UNE ÉCONOMIE PLUS FORTE

Consideration of the following bill:

Bill 18, An Act to amend various statutes with respect to employment and labour / Projet de loi 18, Loi modifiant diverses lois en ce qui concerne l'emploi et la main-d'œuvre.

The Chair (Mr. Grant Crack): I'd like to call the meeting to order. Good afternoon, everyone. I'd like to welcome all the members of the committee to the Standing Committee on General Government. This afternoon we're going to be doing clause-by-clause consideration of Bill 18, which is An Act to amend various statutes with respect to employment and labour, pursuant to the order of the House dated October 28, 2014.

I'd just like to share with you a section of the order: "That at 4 p.m. on Monday, November 3, 2014, those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all remaining sections of the bill and any amendments thereto. The committee shall be authorized to meet beyond the normal hour of adjournment until completion of clause-by-clause consideration. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed, pursuant to standing order 129(a)...."

What this means is, we will use the normal process until 4 p.m., and at 4 p.m. there will be no further discussion. We will just be voting on the amendments.

Having said that, we will get right down to work.

Sections 1, 2 and 3 of the bill: There are no amendments. Shall sections 1, 2 and 3 carry?

Mr. Randy Hillier: I have a few comments on that—no.

The Chair (Mr. Grant Crack): Any questions or comments?

Mr. Randy Hillier: Yes.

The Chair (Mr. Grant Crack): Okay. Sorry. Mr. Hillier.

Mr. Randy Hillier: First of all, I want to start off by stating very clearly our disappointment with this time allocation motion. I think every member of the Liberal government understands that both the third party and the official opposition were supportive of Bill 18. Even though we had some concerns with Bill 18, we said we'll support it; we'll get it to committee; we'll take some time to listen to people, hear what their concerns are and hopefully improve the bill and address some of those concerns that have been expressed.

No sooner did we see that that support was coming, a time allocation motion was put in preventing any further debate in the House and ramrodding the public delegations which happened last Thursday. Businesses, industry groups and individuals had very limited notice that the committee was going to be accepting public delegations and very little time to respond. Those actions are absolutely despicable, in my view.

The purpose of debate—

Mr. Mike Colle: Point of order.

The Chair (Mr. Grant Crack): Mr. Colle on a point of order.

Mr. Mike Colle: I think the standing orders indicate that at this point in time members should be restricting their comments to the clauses of the bill before this committee and not beyond that. So the comments should be focused and directed on schedule 1 or schedule 2 and not on general comments.

The Chair (Mr. Grant Crack): According to procedure, Mr. Hillier does have up to 20 minutes to speak, at which time, if he's continuing to speak, I would ask if there are any other members who would be interested in speaking. If not, then Mr. Hillier is entitled to continue speaking. However, I would remind you that we're dealing with section 1 at this point.

Mr. Randy Hillier: Yes, absolutely.

Running roughshod over the parliamentary process at the same time the Liberal government is touting and promoting openness, transparency and accountability is nothing but duplicitous. You can't have it both ways. You can't be promoting openness, transparency and accountability, and then on the very first bill that has support from the opposition, you bring in time allocation.

I know there are a number of members of this committee who are here for their first time in committee.

They're newly elected. The job of all of us is to represent our constituents, to bring voice to their concerns. That's what debate is for. When you prevent debate, you actually prevent us from doing our job. When we prevent or obstruct or limit the public's ability to come to this committee and bring their concerns directly to us all, you are obstructing democracy. Clear?

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I get it. I can understand, if you're at the end of the session and you want to get a bill through, that you might circumvent the process somewhat, but at the very start of the session you're circumventing the process. The bills that you are bringing forward, you are time-allocating. You're preventing all of us from doing our job effectively. You're preventing yourselves from doing your jobs effectively.

I can't stress this enough to all members of the committee: Parliament is not here just as some esoteric debating society. Our debates are meant to safeguard the public's interest in the development of public policy and laws. That's the purpose. We're here to safeguard the public's interest. If there's no debate, there are no safeguards.

We've seen this. You'll see this; hopefully, you'll be here for many, many years and many sessions and terms. You will see bills that were ramrodded and pushed through government, only to find out that the unintended consequences that were not looked upon and not discerned and not deliberated on during the initial passage of the bill come and bear that negative fruit on people, and those people are our constituents. They are the ones who get hurt when we don't do our job here. They are the ones who face the consequences, not you or I, not anybody who is sitting around this table. It's our constituents who then call us up and want to come for a meeting to explain why they're feeling injured by a public policy. I don't want to see any more people coming into my constituency office feeling unduly harmed by public policy.

In this bill, we have five very distinct public policies, five different schedules. They're wrapped up in one bill. I know that in my 30-minute leadoff speech I only spoke to one, to the minimum wage aspect of it. There was not enough time to get into the other four schedules.

I would challenge anybody here at this committee: Do you actually know what we're altering with this public policy, with this Bill 18? We heard from those few people who did get in here last Thursday about the WSIB, the joint and several liability. We heard about the temporary agencies. We heard about a number of things that they view will have very serious unintended consequences.

Not only did we prevent debate in the House; now you've gone to time allocation in committee, where these things, these items of importance, cannot be adequately ventilated or discussed or deliberated or amended in a thoughtful way. I would ask everybody in this committee room today: Really, if you want to do your job well, there must be a means and a mechanism to reset the clock here and allow for thoughtful, deliberate discussions and make

sure that we do not harm and injure our constituents because of a rush to get a bill passed.

I'll leave that for others for discussion.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier. Mr. Yurek?

Mr. Jeff Yurek: Thank you very much, Chair. I'd like to commend Randy here for bringing forth his thoughts on what is occurring in our Legislature today. Randy does bring to this Legislature quite a bit of in-depth knowledge on how the people are represented quite well at the Legislature and the fact that the bills that we go forward with should and do represent not only the stakeholders but also the individual people of the province, and the fact that, unfortunately, time allocation has been brought forth in the Legislature and also at committee. There's a great deal of inconsistency that can occur with the legislation.

I brought forward one bit of information that I'd like to put on the record for this bill, going forward. It's from the International Debate Education Association. It's just a couple of paragraphs here.

"From its very beginnings, debate has been inextricably intertwined with the concept of open society. In ancient Athens, citizens gathered in forums to discuss and debate the most pressing issues of the day before casting their votes. Such debates were an integral part of a new form of government Athens was to bequeath to the world: democracy.

"Unlike totalitarian and other undemocratic regimes where a limited set of ideas are posed as absolute truths, democratic societies depend upon the free and open exchange of ideas. Indeed, it may be said that true democracy cannot exist without debate. For democracy to function, the values that debate encourages—reason, tolerance, the careful weighing of evidence, etc.—must be cherished and nurtured. But even within societies that restrict open discussion, debate can teach young people that no one person or government possesses the ultimate truth."

Chair, I think this speaks very highly of the expectation of the people who sent us here to represent them at the Legislature to bring forth their own opinions and thoughts at debate. I, unfortunately, was not allowed or did not have the time to speak in the Legislature on this bill. Therefore, the voice of the constituents I represent through Elgin–Middlesex–London was not heard on the Legislature floor due to this bill.

It's quite unfortunate that we've actually headed in this direction with, technically, the first bill to come to committee under this government of Premier Wynne, when her throne speech spoke about how open and transparent this government will be, going forward. However, when they get the opportunity to bring a bill that all parties do support—and when you look at a bill which all parties support, I think you can find ways to fix the bill or amend the bill so that it fairly represents all throughout society, as opposed to having some parties go against a bill which, at the end of the day, usually tends not to be a positive bill when enacted into law. However, when you

get the situation where all three parties are in support of a bill, the fine-tuning of the bill through debate can really bring out a positive effect not only for the legislation but also for the people of Ontario.

I find it interesting that when we were in a minority government, time allocation was rarely used because the government really didn't have that as their option to forward, but now that we've hit the majority government, they feel like they don't have to listen to the opposition anymore. That's the message that's resonating to me and to my constituents when they bring forth their time allocation motions effectively in the first instance back in this fall session.

The concern, going forward, is that this is the first two months of this 41st Parliament being in session and we're already at time allocation motions. In effect, debate is being shut down by this government and the work of the committees is being limited. I'm hoping that this government is able to amend their ways and bring forth debate back into the Legislature. The people of Ontario did elect them as the governing party of the province. However, they did not elect them to be the governing dictatorship of the Legislature of Ontario.

We could make it right today. Perhaps the government could come forth with a motion to return this bill back to the Legislature to resume second reading. I think that would be an amazing circumstance to go forward. But as Mr. Hillier raised earlier, when you ramrod a bill through the Legislature, you end up with unintended consequences.

The big debate that's going on—there's another bill trying to fix it—is the auto insurance package. That bill was hastily put through and reforms were initiated in 2010. However, the unintended consequences were that prices shot through—

Mr. Mike Colle: A point of order.

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The Chair (Mr. Grant Crack): Thank you. A point of order: Mr. Colle.

Mr. Mike Colle: I think we're supposed to be debating schedule 1. I've heard no references to it whatsoever by two speakers. I think the Chair should talk to the Clerk and see whether they are abiding by the rules of this House, by not talking to the bill before us and talking in generalities that have nothing to do with schedules 1, 2 or 3.

Mr. Randy Hillier: We're talking specifically to the bill.

The Chair (Mr. Grant Crack): Thank you, Mr. Colle. I'll just read section 80 of the standing orders: "When a bill is considered in a committee, the Chair shall inquire whether any comments, questions or amendments are to be offered and to which sections and will call only such sections. If no sections are so designated, the bill shall be reported as a whole." I believe the members of the official opposition are speaking to the bill as a whole. I did mention sections 1, 2 and 3 previously when we first commenced, but I did not allow for that opportunity for them to speak to the bill as a whole. As such, this is what's happening at this time.

Thank you for the point of order, but I will—

Mr. Mike Colle: They're speaking to the insurance bill and quoting Athenian democracy.

The Chair (Mr. Grant Crack): Right.

Mr. Mike Colle: I don't see that in this bill.

The Chair (Mr. Grant Crack): I would remind the members to speak to the bill before us. Thank you.

Mr. Jeff Yurek: Sure, Mr. Speaker, and thanks, Mr. Colle, for pointing that out. In essence, this bill is being ramrodded through the Legislature, and that's the importance of my discussion earlier of why limiting the debate in the Legislature—I have not yet been able to fully debate on this bill with regard to perhaps temporary workers, which is a huge issue within my riding. I feel that the amendments being made to the temporary workers section of this bill are not even addressing a single concern, going forward, of people in my riding.

Unfortunately, because this government has shut down debate through their time allocation motion, has decided to shut down the proper functioning of this committee through its time allocation motion, certain parts of this bill, namely temporary agencies, at this point will not be fully discussed—to hear my views, to hear the reasoning behind why my constituents feel the way they do and the help that they do need to get. Unfortunately, because of the time allocation motion, which is in essence shutting down democracy—which is why I referenced the importance of democracy in my initial two paragraphs that I brought forward: the fact that it encourages reason, tolerance and careful weighing of the evidence; it encourages healthy debate; it encourages ideas brought forth that perhaps this government would listen to and perhaps would take forward into their own amendments or into our amendments to ensure that debate is heard.

However, when I go back home in my riding and I'm talking around at the coffee shops on the weekend, or at the various events that we do have, the question arises, "With regard to Bill 18, what did you say about it? What were your thoughts on Bill 18?" Unfortunately, I have to discuss, "This government has shut down debate on Bill 18. They've only limited a handful of people to be allowed to talk." The problem is that when a constituent comes to me and goes, "Where's my voice in this? Where's the voice for the people of Elgin-Middlesex-London?"—it's a healthy section of southwestern Ontario. It's a section that has been immensely devastated by policies that this government has brought forth hastily into the marketplace. We've lost over 6,000 manufacturing jobs in our riding. Out of 35,000 people, 6,000 of those people now have to report to temporary work agencies in order to find employment, if any at all is in the area. There are concerns with regard to the temp agencies that, because of the blockade of debate in this Legislature, because of the allocation motion that's affecting this committee to fully function at its peak performance, the voices of those 6,000-plus people, plus their family members, who are out of jobs because of various policies enacted by this government which have devastated the manufacturing sector throughout the

province, because they have come forward with these policies—these voices cannot be heard.

My concern is that more policy is going to be hastily shuffled through the Legislature, brushed through committee, and, at the end of the day, more devastation may occur to my riding because of this. So that's why I'm speaking out against this: The voices of the people in my riding aren't being heard. It has been taken away from me, which is totally against the reasonings of democracy in the beginning of time.

If you give me some leeway, I can definitely go through democracy and the reasonings behind it.

The Chair (Mr. Grant Crack): No, I think we should stick with the bill at hand, please.

Mr. Jeff Yurek: Well, I will make one point, though. There's a book out there called *Silencing Dissent*. "The health of a democracy relies on many different things: limited government; strong civil society; the independence of autonomous institutions; the encouragement of dissident opinion, wide-ranging debate."

This government is shutting down wide-ranging debate. In fact, it is not acting in a democratic process at all. Unfortunately, they aren't listening to the concerns of the majority of the province of Ontario. If you look at it by area of the people living out there, they aren't following through on the fact of allowing their voices to be heard. Coming from rural Ontario as you do, Chair—those voices want to be heard as much as the people in the urban areas of the province. The continuation to limit debate in bills like this, which deals with temporary agencies, minimum wage etc., without hearing the debate of the people of the province, is a vital concern of people not only here but, at the end of day, of the people through Toronto itself.

It was my hope, when the new government was elected—I, of course, expected a PC majority. That was my hope, but at the end of that day, that didn't happen. It's my hope, going forward as a member of the loyal opposition, that we are allowed to freely debate, bring forth ideas, critique the government, offer solutions other than the government's—so that the people of Ontario can hear both sides—and, in the essence of working together, at the end of the day, come together to create legislation that is beneficial not only to one sector of the population but to the population as a whole.

I've brought forth some of my ideas. I would hope the government does go forth and amend their ways with regard to how they're treating not only Bill 18 but Bill 15, which I imagine will be in this committee on Wednesday—I can talk about insurance non-stop.

However, there are issues here that they could have talked about. This bill talks about workplace safety and insurance. WSIB is a mess. Probably any member here, and especially the new members here, will learn that one of the top problems going through your offices, aside from the Family Responsibility Office, FRO, which is a whole new ball of wax—I can't talk about it too much; it's not in this bill. However, the WSIB will be one of your major concerns coming through your office: the fact

of how broken the system really is, and the fact that they're scrambling.

Mr. Natyshak here—I've heard his name come up through constituents of mine saying that he has got a strong voice with WSIB. I'm probably going to tap him for some resources. He seems to be able to slay the WSIB dragon, so to speak.

That type of problem is not addressed in this bill. I would have loved to have had the opportunity to debate in the Legislature on how we could fix WSIB or improve the situations going forward. However, it's not happening in this bill and, unfortunately, the government is not hearing the changes, on the legislative floor or through the committee process, of how we could fix the Workplace Safety and Insurance Act.

I'm going to have to wait for another government bill, if they so choose, to discuss the WSIB, but it's another lengthy time—one or two years down the road—before this government may bring out a bill. It's one or two more years of people coming in my office continually with problems with WSIB.

I've got a poor guy in my office who, through a workplace accident, ended up in a wheelchair. The government sent him a letter saying, "We're going to cover this forever, in perpetuity. We'll fix your wheelchair whenever it's broken." Well, eight years down the road, his wheelchair is broken and he gets a letter: "No, we're not giving you a new wheelchair. No, we're not going to fix the wheelchair." What does the guy do? What does the guy do? I've sent a letter to the minister to discuss it, and he supports what the workers' compensation board has decided. I think that's reprehensible.

Where does Bill 18 work to fix those problems at the WSIB where people who, with valid claims, are being shut out? It's not in Bill 18. I would have loved to have talked about that in a longer dissertation to the Legislature. However, it's not going to be happening.

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Speaker, I appreciate you allowing me to have a few minutes here to speak. My colleague Randy has done a tremendous opening here, hitting the nail on the head with regard to democracy. I would invite the newer members of the Legislature to take the time and meet with Mr. Hillier and discuss where he comes from with regard to democracy and how the Legislature should work. It's a breath of fresh air to hear his thoughts and opinions on how the people can again be represented truly by their representatives and not be bogged down either by party politics or by—committee members are really just given this pack and told, "Do this." Giving you that voice back and having a discussion—because changes to the Legislature and how MPPs operate are going to have to come from all three parties, not one party leading the charge. Thank you very much, Speaker.

The Chair (Mr. Grant Crack): Thank you. Any other discussion? Mr. Colle.

Mr. Mike Colle: Yes. In terms of Bill 18, there are some very significant changes in schedules 1, 2 and 3. As you know, Mr. Chair, this deals with protecting vulner-

able workers. This protection of vulnerable workers, especially foreign nationals—up until 2009, there was really no protection under Ontario labour laws for protecting foreign nationals who worked here in Ontario.

I have thousands of caregivers who work in my constituency. They usually work as caregivers to protect our elderly. In some cases, these caregivers have put their life savings on the line to come to Ontario to work. Their extended family back home have put together their life savings. They come here to Ontario to work as a result of that arrangement to be a live-in caregiver under federal legislation.

When they came here to work, basically they were non-persons. There was no protection whatsoever. I remember running into one of my constituents who had been working as a caregiver and said that she was working seven days a week as a caregiver, not only taking care of an elderly person in the household but also cooking and cleaning. She finally left that home situation because the person who had brought her here under the foreign caregivers program wouldn't let her go to Sunday mass. She couldn't go for two hours to go to church. She was not allowed to complain to anyone because there was no protection, federally or provincially, for these foreign caregivers. Working seven days a week in a household because they were not Canadian citizens, because they were under this federal program—there were no protections offered.

This bill is an attempt to extend the acknowledgement that these workers here in Ontario, whether they be migrant workers or caregivers, have protection under Ontario's labour law. That is a significant change in legislation. It came about because of all the abuses that were made public back in 2008 and 2009. You'll see that there were repeated examples of people, when they came as a caregiver, whose passports and bank books were confiscated, usually by the agent who brought him or her here. Their passport was in the hands of the agent who was the recruiter and also their bank book was even there. In fact, many of these caregivers, for the first few years, really worked for the agent. They couldn't send any money back home because they were abused by the recruiters who took advantage of them.

I know that when we were here last day, some people mentioned about how we can regulate the foreign recruiters as well as the domestic recruiters to come under Ontario laws. It is a very complex thing. In fact, the federal government has even proposed a change in legislation, I think just on Friday, to further strengthen some protections for caregivers. It's a very important, day-to-day, bread-and-butter issue for thousands of workers in Ontario who are asking for protection. They have asked for this protection going back—again, we're talking about four or five years of this kind of effort to increase protection. That's what this bill is all about. It's listening to people, real people, with a lack of protection in their—all they were trying to do was make a living. That's all. They said, "We want to work." But they wanted to work under some kind of normalcy in terms of labour laws. This did not exist.

Now it does exist, and this is a further attempt to protect these caregivers and to protect the foreign nationals, those 130,000 migrant workers who work in Ontario with basically no protections. This bill begins to give them some protection. These are the people who work alongside our hard-working farmers to bring in our crops, to plant our crops. These 130,000 men and women who come to Ontario every year to work asked for some basic protection under Ontario law. This gives them some basic levels of protection—probably not enough. We could probably do more. I wish we would do more.

But this is the nuts and bolts of this Bill 18. It's about real people, real problems that it tries to adjust. It's critical that this bill go forward because it is not something that has just come up with this Parliament. This was a holdover from the last Parliament, where this was debated and introduced because these abuses were brought to light, just as the whole provision about minimum wage. There has been a huge debate about minimum wage. We know the official opposition did not believe in increasing the minimum wage. They said, "It's all right. Leave it where it is. You're going to ruin the economy by paying people \$11 an hour."

Mr. Randy Hillier: A point of order: We did vote in favour of this bill. Let's keep the facts correct.

The Chair (Mr. Grant Crack): Okay. Thank you for the point of order.

Mr. Colle.

Mr. Mike Colle: Anyway, the party opposite was not interested in advocating for a higher minimum wage. At least in this legislation, it is now indexed to the level of inflation. It's a very reasonable approach. It's not, certainly, as much as some of us would have liked to have the minimum wage go to—because it was a big debate that increasing the minimum wage was going to ruin the Ontario economy. As we know, that has not been the case in other jurisdictions where you increased the minimum wage, because the fact is that for a person who does make that minimum wage, every cent that they make in an increase, they would probably spend in the economy. So these are people who, with that extra dollar an hour, are going out there and buying more shoes, more clothes, more food. They're not putting it in offshore banks. That's why this bill deals with that important issue, especially schedule 2, about increasing the minimum wage and some protections for minimum wage jobs.

It is not fair that someone—well, we had a deputant here who said he was working on an assembly line. The guy on the assembly line with him was making \$30 an hour and he was making \$10 an hour doing the same work. So you mean to tell me that increasing that minimum wage another dollar or two would not be fair to that person working on the assembly line, where they can afford to pay someone else \$30 and the person on the assembly line only a minimum wage?

So this bill is critically important to all the hundreds of thousands of people in Ontario who work for minimum wage. They work in every community: small-town, rural Ontario, urban Ontario. These are people who work long

hours. The majority of them love to work because they want a job so they can pay their rent, pay for food on the table. This at least gives them a hope of a better wage so when they're working those long hours, they are not part of the working poor. It shouldn't be a point where a person who is working extremely hard, long hours, sometimes in difficult situations, not getting respect, is basically below the poverty line. That is not fair in Ontario. When other people are making huge wages, whether it be on Bay Street, whether it be in other employment situations, we can at least try to give them a reasonable wage. So this Bill 18 attempts to give people a reasonable minimum wage.

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Also, we talked about temporary help agencies in schedule 2. These temporary agencies basically had no control. It was the Wild West: Just hire people, make them work in any conditions, pay them what you want, and take kickbacks from them. They were simply the people who were working for temporary agencies. You can see them on Main Street, Toronto, every day. They pick up people in trucks and vans, take them to do everything from worm picking—they take them to work in factories. They take them to work digging ditches. Temporary agencies were basically totally outside the purview of this Ontario government.

As MPPs, hopefully, we've heard from these people who work for temporary agencies, were caregivers, migrant workers, hundreds of thousands of workers helping to build this economy—and then we look around and say, "They don't come under Ontario labour law. You can do with them what you want." That's what the situation was before 2009: essentially no protections. We couldn't even find out from the federal government where and how many migrant workers were in this province. They wouldn't tell us, yet they're all working in Ontario. Finally, I think we now have an idea. They gave us, I guess, a disc with data that says that there are about 130,000.

How many are working in your constituency, Mr. Chairman? Do you know how many and what the conditions are that they work under? Up until this bill, no one knew the number, the conditions, or, if they got hurt on the job, what happened to them. Most of them were afraid to come forward. If you talk to the caregivers, talk to people who work for temporary agencies, a lot of them have English as a second language. They live from day to day. Therefore, many of them were unable to come forward and speak out, but we've heard them. They've been coming to us—as an MPP, I've heard them, again going back five, six years, and that's why I myself put forward a private member's bill called Bill 160 where I tried to bring in legislation, the caregivers workplace protection act, that was finally adopted by the government and they did their own version of it, which I was happy to see. So that's what I did as an MPP.

That's why I'm so glad that this legislation is further strengthened to protect these men and women who clean the diapers of our elderly; men and women who pick our

fruit and plant our crops; these men and women who work in factories at all kinds of hours, all kinds of conditions. They're nameless; they're voiceless. You saw that some of them did come. They're starting to come forward.

So this bill is a reaction to that reality that we, as a province, had to do something. We had to step up to the plate to protect people. That's why we cannot delay and obfuscate about this bill on whether we need a minimum wage increase. I think people spoke loudly and clearly during the last election that they wanted more protection for workers. They didn't want to see 100,000 people thrown out on the streets; they wanted workers working and protected. That was a great exercise in democracy, where they said no to the firing of 100,000 people and they said yes to a higher minimum wage.

I know that there were all kinds of personal support workers who came out in droves during the election and said, "We support fairer wages for personal support workers." Those were the issues where democracy really spoke out during the last election—about this. It was very good to see, for a change, where these issues were part of the election. These were real, bread-and-butter, working men and women who asked for fairness. They didn't ask for any free ride. They said, "We want to work. We'll work hard, but we want Ontario laws to be improved and strengthened."

Do schedules 1, 2 or 3 answer all the issues, all the vulnerabilities? They don't, but at least it's another step in that direction to realizing that all workers—whether you work on Bay Street, whether you work in a nursing home or whether you work in someone's home as a caregiver, you deserve protection under Ontario law. That's the premise of this bill. That's why I'm more than anxious to support this bill and see it go forward so that these people, who've been waiting in silence for decades, where they received no protection and no acknowledgment of the issues that they face as workers, finally have at least some recognition under Bill 18.

Do we have more to do? I'm sure my colleagues will agree, certainly on this side, and my colleague from Essex will agree that we have to do a heck of a lot more. There is more to be done. This is what we are faced with here today: the nuts and bolts of improving the employment standards protections for people who are doing our work and just ask for a fair shot. That's what Bill 18 moves towards. By passing this bill, getting it into law, we'll protect a lot of people who deserve to be protected and have every right to be protected since they work in all of our communities and do a heck of a lot of work that other people wouldn't do. Just because they may not be Canadian citizens, just because they may be under a caregiver program, doesn't mean they shouldn't have protection under Ontario law.

That is why I support this bill. I hope my colleagues will support this bill going forward so we can finally put into action what we've been saying we should be doing: strengthening legislation to protect people in a better way in this province. They richly deserve us giving them

more protections for the work they have done for our province.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Colle.

I would just like to share with you some of the Chair's responsibilities when it comes to a bill that's before a committee with multiple amendments. Standing order 77(b): "The Chair of a committee, including the Chair of the Committee of the Whole House, may take such reasonable steps as he or she considers necessary to facilitate the committee's consideration and disposition of multiple amendments."

I would like to thank the members who have spoken and shared their opinions, number one, on how the bill got here. I thank Mr. Colle for speaking directly to some of the components of the bill, but I'm going to exercise my authority now as Chair in my responsibilities, and we will be moving to amendments at this particular point.

Mr. Randy Hillier: Chair, I'd like to move a motion.

The Chair (Mr. Grant Crack): We're on section 1. Is it a motion with regard to section 1?

Mr. Randy Hillier: Yes.

The Chair (Mr. Grant Crack): There have been no amendments put forward with regard to section 1.

Mr. Randy Hillier: I'd like to move a motion about section 1.

The Chair (Mr. Grant Crack): Okay. Mr. Hillier.

Mr. Randy Hillier: That section 1 be separated from the bill and recommitted to the House for second reading.

Mr. Mike Colle: Point of order: That's out of order, Mr. Speaker.

Mr. Randy Hillier: What's the standing order, Mike?

The Chair (Mr. Grant Crack): Mr. Hillier, according to the order from the House, "the deadline for filing amendments to the bill with the Clerk of the Committee shall be 1 p.m. on Friday, October 31, 2014."

So it's out of order. Your motion to remove section 1 and return it to the House is out of order. We'll be dealing with section 1—

Mr. Randy Hillier: I'll seek a point of order.

The Chair (Mr. Grant Crack): Point of order.

Mr. Randy Hillier: I seek unanimous consent from this committee that the bill be separated into five schedules and recommitted to the House for second reading.

The Chair (Mr. Grant Crack): No. This is an order from the House, so that would be out of order as well.

Mr. Randy Hillier: I can seek unanimous consent.

The Chair (Mr. Grant Crack): I don't believe so.

Mr. Randy Hillier: Yes.

The Chair (Mr. Grant Crack): A committee does not have the authority to overrule an order from the House. The order from the House is quite clear that we have to move directly into what is the process that has—

Mr. Randy Hillier: Which standing order says that I can't seek unanimous consent?

The Chair (Mr. Grant Crack): I'm going to rule that we're going to follow the order of the House. We're going to deal with the bill as per the order from the House of October 28, 2014, and we're going to—

Mr. Randy Hillier: You are suggesting that in this committee, there cannot be any motions entertained or unanimous consents?

The Chair (Mr. Grant Crack): You've been here a long time, so I'm just trying to think—

Mr. Randy Hillier: I would like to see the standing order that says that no unanimous consents or motions can be entertained.

The Chair (Mr. Grant Crack): You'll have to give me a second.

In essence, Mr. Hillier, there is a clear mandate for the committee, as per the order of the House, and as such there's no provision in that order from the House to deal with any motions outside the scope of what we are required to do here as a committee in following the order.

Mr. Randy Hillier: I've read through the motion. I see nothing in the motion that prevents a unanimous consent from being sought. I grant you that the amendments were to be tabled by 1 o'clock last Friday. Nowhere do I see that motions can't be entertained after 1 o'clock last Friday—amendments. I'd like to see if you can clarify where in that time allocation motion it says that no further motions can be entertained by the committee. I would be pleased to see that.

The Chair (Mr. Grant Crack): The motion which you are proposing to table is in contradiction to the order from the House.

Mr. Randy Hillier: But my question was: No motions?

The Chair (Mr. Grant Crack): I'm going to call the motion, that particular motion, out of order.

Mr. Randy Hillier: Okay, but other motions can be—

The Chair (Mr. Grant Crack): I will judge as they come forward.

Mr. Randy Hillier: I just wanted clarification on that. I just lost my page here.

The Chair (Mr. Grant Crack): We're here to deal specifically with the bill, so I will not be entertaining any other motions than those pursuant to the specific sections that we're supposed to deal with and the mandate from the order of the House. Thank you very much, Mr. Hillier.

We're going to move to section 1; I'll do it as separate sections.

There are no amendments to section 1. Shall section 1 carry?

Interjections.

Mr. Randy Hillier: Chair, I call for a recorded vote.

Mr. Mike Colle: It has already been voted on.

Mr. Randy Hillier: And I would also call for a 20-minute recess.

The Chair (Mr. Grant Crack): A 20-minute recess is in order, and when we return we will have a recorded vote.

Mr. Mike Colle: We already had it and it carried. He should have asked for the recorded vote before.

Mr. Randy Hillier: A 20-minute recess, Mike.

The Chair (Mr. Grant Crack): Twenty-minute recess.

The committee recessed from 1453 to 1513.

The Chair (Mr. Grant Crack): Okay, so I'll call the meeting back to order after the 20-minute break.

We are on section 1, and there has been a request for a recorded vote, so I will pass it over to the Clerk.

Interjection.

The Chair (Mr. Grant Crack): Those in favour? Those opposed? The motion is defeated.

Interjection.

The Chair (Mr. Grant Crack): Sorry. She's got to go through the process. So we're on section 1.

Mr. Mike Colle: Yes.

The Chair (Mr. Grant Crack): There has been a request—I had asked, should it carry? There was a request for a recorded vote. I'm going to honour that.

Ms. Ann Hoggarth: So we're voting on, should it carry?

The Chair (Mr. Grant Crack): Carry. Those in favour?

Mr. Mike Colle: It's recorded, though, isn't it?

The Chair (Mr. Grant Crack): It's recorded.

Mr. Taras Natyshak: Can you let us know who the motion is from prior to—identify where the motion comes from?

The Chair (Mr. Grant Crack): Okay, that would—

Mr. Taras Natyshak: Repeat the motion and where the motion comes from.

Interjections.

Mr. Taras Natyshak: This is section 1. These are not amendments.

The Chair (Mr. Grant Crack): These are not amendments; these are sections.

Mr. Taras Natyshak: But you will do that when we get to amendments?

The Chair (Mr. Grant Crack): Section 1, yes.

Mr. Taras Natyshak: Very good.

Mrs. Cristina Martins: Can you just clarify exactly what we're voting on once again?

The Chair (Mr. Grant Crack): I had asked for section 1 to carry. There was a request for a recorded vote, so I'm asking: Those in favour of section 1 carrying?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?

The motion is carried.

Shall section 2 carry?

Interjection.

The Chair (Mr. Grant Crack): Sorry; section 1 is carried.

I had asked, "Shall section 2 carry?" Mr. Hillier?

Mr. Randy Hillier: I have some comments on section 2.

The Chair (Mr. Grant Crack): Go ahead, sir.

Mr. Randy Hillier: I just also wanted to bring to the Chair's attention that standing order 131 speaks about when members of the committee make comment and other members of the committee may express dissent with that

comment. In the previous discussion, the member from Eglinton—Lawrence made some points that I believe need to be rebutted.

I'd just like to say, first off, that it's nice to see the member from Eglinton—Lawrence have something to say on this bill. I want to bring it to all members of the committee that schedule 1—as the member from Eglinton—Lawrence mentioned, that bill originally came in in 2009, in the foreign live-in caregivers act. It went through a time allocation process as well, and we see it once again. This bill that was only enacted in 2010 now has to be modified and amended because it was hastily rushed through the House.

I would like to make a point here: The other two sections of this bill that are being amended, on the WSIB and the Occupational Health and Safety Act—there were two reports tabled with this Legislature: the Dean report and the Harry Arthurs report on WSIB reforms. Nowhere in either of those two reports do we see anything that is recognized here in this Bill 18, so I would request from the Chair that the Tony Dean report—

Ms. Ann Hoggarth: Point of order.

The Chair (Mr. Grant Crack): Point of order: Ms. Hoggarth.

Ms. Ann Hoggarth: Could you rule whether these comments are in order? We've passed section 1, and I believe we're supposed to move on—we don't go back discussing section 1 again.

The Chair (Mr. Grant Crack): Thank you for the point of order. Mr. Hillier, I will remind you that we are speaking to section 2.

Mr. Randy Hillier: Yes, and it's also part of the standing orders that I can call for papers, persons or things. I'm calling on the Chair to provide a copy of the Tony Dean report and the Harry Arthurs report. Both are very much to do with this bill. I'd like to have those reports brought to the committee's attention so that they can actually read what we've paid for: for consultants to provide this Legislature with guidance and direction.

I think that that's fundamentally part of our privilege as members of this Legislature. It's part of the standing orders, and I would call for those two reports—the Harry Arthurs report and the Tony Dean report—to be brought forward.

I'd like to just mention here as well that, although it was nice to see the member from Eglinton—Lawrence speak, the only person I saw in my time in the House speaking to this bill from the government side who is here today is the parliamentary assistant, to engage in a nice 20-minute infomercial. But surely the other Liberal members on this committee—I didn't hear their voices in the debate on this bill. They must feel somewhat dissatisfied that they were prevented from speaking to this bill as well.

The Chair (Mr. Grant Crack): Thank you very much.

Any other questions or comments?

So section 2: Shall section 2—

Interjection.

The Chair (Mr. Grant Crack): Pardon me?

Mr. Randy Hillier: I've requested that those be brought. I did not hear a response.

The Chair (Mr. Grant Crack): The Clerk has duly noted that. As such, I'm sure it's going to take some time to gather those two particular reports, and the Clerk will forward those to the committee members as soon as possible.

Mr. Randy Hillier: Can we have some indication when those reports will be brought to committee?

The Chair (Mr. Grant Crack): Madam Clerk, go ahead.

The Clerk of the Committee (Ms. Sylwia Przedziecki): I will provide them as soon as possible.

Mr. Randy Hillier: Would that be today?

The Chair (Mr. Grant Crack): I think, in all fairness, Mr. Hillier, we will—

Mr. Randy Hillier: It was just a question. I'm just wondering if you think you would be able to possibly get them here today.

The Chair (Mr. Grant Crack): I'll ask the Clerk's office: As quickly as possible, if you could provide those reports to the committee, it would be greatly appreciated.

So shall section 2 carry?

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): Recorded vote.

Mr. Mike Colle: On section 2?

The Chair (Mr. Grant Crack): On section 2, recorded vote.

Mr. Randy Hillier: And I'll call for a 20-minute recess.

The Chair (Mr. Grant Crack): That is in order. Thank you. A 20-minute recess granted.

The committee recessed from 1521 to 1541.

The Chair (Mr. Grant Crack): I call the meeting back to order. We have before us a request for a recorded vote on section 2.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?

The motion is carried.

Mr. Randy Hillier: Chair, on a point of order.

The Chair (Mr. Grant Crack): A point of order: Mr. Hillier.

Mr. Randy Hillier: Chair, previously I requested the Harry Arthurs and Tony Dean reports, being consistent with standing order 110(b). Just to reiterate, that's also in section 35(1) of the Legislative Assembly Act. I'll just read it: "The assembly may at all times command and compel the attendance before the assembly or a committee thereof of such persons, and the production of such papers and things, as the assembly or committee considers necessary for any of its proceedings or deliberations." I really do believe that it's important that all members of this committee have seen and have taken time to review the Arthurs and Dean reports, and I would

move a motion that this committee stand adjourned until such time as those documents are provided to the committee.

The Chair (Mr. Grant Crack): Thank you for your request for a point of order. According to the order from the House, we will continue. The Clerk's office is doing what they can to provide those documents—

Mr. Randy Hillier: I move a motion that we adjourn, to be consistent with standing order 110(b) and 35(1) of the Legislative Assembly Act. I move that motion that we stand adjourned until such time as those—

The Chair (Mr. Grant Crack): Give me a minute.

Thank you, Mr. Hillier. Any motions of that nature are out of the scope of the order of the House that was made effective October 28. I will call that request out of order. We will continue to move forward with section 3 of the bill.

Mr. Randy Hillier: Chair, I would kindly just refer this—an order of the House cannot be in contravention to the Legislative Assembly Act that creates the House. The standing orders, I would agree, but the Legislative Assembly Act clearly—and I've read it: "The assembly may at all times command and compel the attendance before the assembly or a committee thereof of such persons, and the production of such papers and things, as the assembly or committee considers necessary for any of its proceedings or deliberations." An order of the House cannot be contrary to the Legislative Assembly Act. The only way that can be done is by the government introducing a bill to amend the Legislative Assembly Act, which they have not done.

The Chair (Mr. Grant Crack): Okay. Thank you for your point of order, but after some thought on the intent of the Legislative Assembly Act and the—

Mr. Randy Hillier: This will be a point of privilege raised in the House.

The Chair (Mr. Grant Crack): —order of the House on October 28, we are mandated to move forward here. I respect the request from a particular member, but I believe that a request to adjourn the meeting would have to come from the whole House. So I'm prepared to rule that we will continue, Mr. Hillier. I'm going to make a ruling. Feel free to—

Mr. Randy Hillier: If you prevent a motion to that effect to come on the floor, I would challenge that that is a breach of privilege.

The Chair (Mr. Grant Crack): Interesting.

Mr. Randy Hillier: I will raise it in the House.

Mr. Mike Colle: Don't be threatened, Mr. Chair.

Mr. Randy Hillier: No, no. I'm just saying, let's—

Mr. Mike Colle: Don't let him threaten you. He can do what he wants.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier, but all motions before this committee would have to have been filed prior to 1 o'clock on the—

Mr. Randy Hillier: Amendments. Amendments had to be filed—that's correct—not motions.

The Chair (Mr. Grant Crack): Right, but as such, it is in the mandate of the committee to move forward with

the bill according to the order of October 28. So I have no alternative than to call—

Mr. Randy Hillier: Okay, I just want to be clear: You're preventing a motion with respect to standing order 110(b) and section 35(1) of the Legislative Assembly Act from being presented to this committee.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier. I'm going to take a five-minute break to review your request, and we'll get back to you as soon as possible.

The committee recessed from 1549 to 1600.

The Chair (Mr. Grant Crack): Back to order. After much thoughtful consideration—Mr. Hillier had moved that we recess until such time as two reports were being tabled to the committee.

Mr. Joe Dickson: Excuse me, Chair. Could you speak a little louder, please?

The Chair (Mr. Grant Crack): Okay. Thank you.

Mr. Hillier had requested that the committee recess until such time as we receive the two reports that he aforementioned. The Clerks' office is doing what they can to provide the committee members with those. As such, we are still governed by the order from the House and I'm going to declare his motion to recess out of order. We will continue with the clause-by-clause, as mandated in the order of October 28, 2014.

It's 4 o'clock at this point, so we are going to—let me just verify that. It is 4:01.

Mr. Mike Colle: Can we get a clock in here? I moved that last meeting. We deserve—

The Chair (Mr. Grant Crack): That's out of order, that you move a clock at this time. So we will continue to move with our responsibilities at hand. Section 3—

Mr. Randy Hillier: Chair?

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: I ask for a recorded vote, and if you could read out what we're actually voting on, please.

The Chair (Mr. Grant Crack): What I will read is: Shall section 3 of the bill carry?

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a recorded vote request.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed? The motion is carried.

Shall schedule 1, section 1, carry?

Mr. Randy Hillier: Chair, a recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed? The motion is carried.

Shall schedule 1, section 2, carry?

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): A recorded vote has been requested.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed? Carried.

Shall schedule 1, section 3, carry?

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There's been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed? Carried.

We are now on schedule 1, section 4.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There's been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed? Carried.

We will move to schedule 1, section 5.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed? The motion is carried.

We shall move to schedule 1, section 6.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed? The motion is carried.

We shall move to schedule 1, section 7.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?
Carried.

We'll move to schedule 1, section 8.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?
Carried.

We shall move to schedule 1, section 9.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?
Carried.

We shall move to schedule 1, section 10.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): A request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?
Carried.

We'll move to schedule 1, section 11.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): A request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?
Carried.

We'll move to schedule 1, section 12.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?
Carried.

We'll move to schedule 1, section 13.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?
Carried.

We'll move to schedule 1, section 14.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): A request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Opposed?
Carried.

Shall schedule 1 carry?

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?
Carried.

We shall move to schedule 2, section 1.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?
Carried.

We'll move to schedule 2, section 2.

Mr. Randy Hillier: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): Those opposed?
Carried.

We'll move to schedule 2, section 3.

Mr. Randy Hillier: There's an amendment there.
Recorded vote.

The Chair (Mr. Grant Crack): I believe there's an amendment. Schedule 2, section 3, subsection 23.1(10) of the Employment Standards Act.

We're going to change things up a little bit. We won't be voting right away on the motions. In the event that there is a future request for a recorded vote, we will just move those all to the end.

1610

Mr. Randy Hillier: Pardon me, Chair?

The Chair (Mr. Grant Crack): Yes.

Mr. Randy Hillier: Under what authority—

The Chair (Mr. Grant Crack): Do we move forward in that manner of procedure?

Mr. Randy Hillier: Yes.

The Chair (Mr. Grant Crack): It says, according to the standing order from the House, "Any division required shall be deferred until all remaining questions have been put and taken in succession with one 20-minute waiting period allowed pursuant to standing order 129(a)." So that means, when there's a request for a recorded vote, we will just stop there, move to the next section, and then we will revisit the exact same sections, one by one, that have been requested for the recorded vote.

Mr. Randy Hillier: And that will be done within a 20-minute time frame?

The Chair (Mr. Grant Crack): No; you're allowed one 20-minute recess during the entire process.

Mr. Randy Hillier: So we're going to go through all the motions, and if there's a recorded division, there won't actually be a recorded division; that will be put off to the end.

The Chair (Mr. Grant Crack): Correct.

Mr. Randy Hillier: I'm just trying to understand this now. So the motion will be read into—

The Chair (Mr. Grant Crack): Read into the record.

Mr. Randy Hillier: If there is not a vote, it will be read into the record again at a later time for a vote at the end?

The Chair (Mr. Grant Crack): Whenever there's a request for a recorded vote, that's considered a division, and that will get moved to the end. In essence, I will read these. If in the event a member requests a recorded vote, I will then move to the next one and then we will come back and revisit all the division motions that were requested. So, exactly what you're saying.

Mr. Randy Hillier: Okay.

Mr. Mike Colle: A point of order?

The Chair (Mr. Grant Crack): A point of order: Mr. Colle.

Mr. Mike Colle: I'd like to move that we have a recorded vote for every amendment, from the beginning until the end—every single amendment and every question.

The Chair (Mr. Grant Crack): Okay, I believe that would be in order.

Mr. Randy Hillier: I would be in favour of that.

Mr. Mike Colle: Do it in advance.

The Chair (Mr. Grant Crack): Okay.

Interjections.

The Chair (Mr. Grant Crack): Thanks for your patience, everyone.

Mr. Randy Hillier: Let's go forward.

The Chair (Mr. Grant Crack): From what I understand, and maybe the Clerk is going to have to clarify this, there is one 20-minute recess allowed, which could be taken at this time. We are going to continue as we have been doing. I don't think there has to be a request now. We're going to do recorded votes on every motion. Is that what I understand?

Mr. Randy Hillier: No, the motion was out of order, is it not? Because it's contrary to what the time allocation motion says. That's what you used on me.

Interjections.

The Chair (Mr. Grant Crack): There has been a request for a blanket recorded vote on all motions and all amendments. If we have consensus in the committee—

Mr. Randy Hillier: Opposed.

Interjections.

The Chair (Mr. Grant Crack): We don't need consensus?

Interjections.

The Chair (Mr. Grant Crack): We'll have a five-minute recess.

The committee recessed from 1615 to 1620.

The Chair (Mr. Grant Crack): We're back from the recess. I'd like to thank Trevor, the Clerk, for guidance.

Is it the committee's wish that we take a 20-minute recess at this point?

Ms. Ann Hoggarth: Yes.

The Chair (Mr. Grant Crack): That is in order: a 20-minute recess, effective right now.

The committee recessed from 1620 to 1640.

The Chair (Mr. Grant Crack): Okay, back to order. I hope everyone enjoyed their 20-minute recess.

We will move to schedule 2, section 3. We have an amendment to subsection 23.1(10) of the Employment Standards Act. It's a PC motion on page 1.

Shall the motion carry?

Mr. Randy Hillier: Chair?

The Chair (Mr. Grant Crack): Mr. Hillier?

Mr. Randy Hillier: It is procedure that the mover of the amendment reads the amendment into the record.

The Chair (Mr. Grant Crack): You have the right to move that—oh, sorry, they're all deemed moved. Having said that—

Mr. Randy Hillier: Okay. Can we have that translated into French?

Interjection.

The Chair (Mr. Grant Crack): At this point we're just voting, but we can have all the amendments translated into the French language.

Mr. Randy Hillier: Is that after we vote or before we vote?

The Chair (Mr. Grant Crack): I think we would have to do that after we vote, Mr. Hillier.

Mr. Randy Hillier: So you are not going to allow them to be translated prior to the vote?

The Chair (Mr. Grant Crack): I don't think, at this particular opportunity, we have that luxury.

Mr. Randy Hillier: So, a refusal. I just want to be—

The Chair (Mr. Grant Crack): I'm not refusing. What we can do as a committee is, I can request the Clerk to provide copies of the amendments at a later date. The ones that will pass will definitely be provided in both official languages, as I'm a strong supporter of both official languages.

Shall the amendment carry?

Mr. Randy Hillier: Chair, are we not reading the amendment into the record? Stockwell Day made a—

The Chair (Mr. Grant Crack): It is deemed moved that subsection 23.1(10) of the Employment Standards Act, as set out in section 3 of schedule 2 of the bill, be struck out and the following substituted:

“Review

“(10) Before October 1, 2020 and every five years thereafter, the minister shall cause a review of the minimum wage to be commenced and, upon date of completion, must publish the findings on a website of the government of Ontario.”

Mr. Randy Hillier: That sounds better.

The Chair (Mr. Grant Crack): Recorded vote.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins, Natyshak.

The Chair (Mr. Grant Crack): The motion is lost. Shall schedule 2, section 3, carry?

Mr. Randy Hillier: Could it be a recorded vote?

The Chair (Mr. Grant Crack): All are recorded votes.

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): Motion carried. Shall schedule 2, section 4, carry?

Mr. Mike Colle: Wait a minute. What is this now?

The Chair (Mr. Grant Crack): Schedule 2, section 4.

Those in favour?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

We'll move to schedule 2, section 5, subsection 74.18(3) of the Employment Standards Act, 2000. This is a government motion. Shall the motion—

Mr. Randy Hillier: Could we read that motion into the record?

The Chair (Mr. Grant Crack): It is deemed moved that 74.18(3) of the act, as set out in section 5 of schedule 2 to the bill, be amended by adding the following paragraphs:

“3. Public holiday pay that was earned during the relevant pay period.

“4. Premium pay that was earned during the relevant pay period.”

Those in favour?

Ayes

Colle, Dickson, Hillier, Hoggarth, Kiwala, Martins, Yurek.

The Chair (Mr. Grant Crack): Carried.

I'm going to get laryngitis and say I can't.

Schedule 2, section 5, subsections 74.18(1) to (4) of the Employment Standards Act, 2000: This is an NDP amendment on page 3.

Mr. Taras Natyshak: Chair, I'd love for you to read this one out for me, please.

The Chair (Mr. Grant Crack): Thank you, Mr. Natyshak.

Oh, you want me to read it?

Mr. Taras Natyshak: Yes.

The Chair (Mr. Grant Crack): You don't want to read it?

Mr. Taras Natyshak: Well, I thought we had you reading them out.

The Chair (Mr. Grant Crack): Okay. I shall do that. I love to read.

It is deemed moved that subsections 74.18(1) to (4) of the Employment Standards Act, 2000, as set out in section 5 of schedule 2 to the bill, be struck out and the following substituted:

“Agency and client jointly and severally liable

“74.18(1) Subject to subsection (2), if an assignment employee was assigned to perform work for a client of a temporary help agency during a pay period, and the agency fails to pay the employee the amounts described in subsection (3) that are owing to the employee for that pay period, the agency and the client are jointly and severally liable for the amounts.

“Same, more than one client

“(2) If an assignment employee was assigned to perform work for more than one client of a temporary help agency during a pay period, and the agency fails to pay the employee the amounts described in subsection (3) that are owing to the employee for that pay period, each client is jointly and severally liable with the agency for a share of the total amount owed to the employee that is in proportion to the number of hours the employee worked for that client during the pay period relative to the total

number of hours the employee worked for all clients during the pay period.

“Amounts for which clients may be liable

“(3) The amounts for which a temporary help agency and clients of the agency are jointly and severally liable under subsections (1) and (2) are the following:

“1. Regular wages earned during the relevant pay period.

“2. Overtime pay earned during the relevant pay period.

“3. Public holiday pay earned during the relevant pay period.

“4. Vacation pay earned during the relevant pay period.

“5. Any other wages, pay, remuneration or other compensation earned during the relevant pay period.

“Agency primarily responsible

“(4) Despite subsections (1) and (2), the temporary help agency is primarily responsible for paying an assignment employee the amounts described in subsection (3), but proceedings against the agency under this act do not have to be exhausted before proceedings may be commenced to collect the amounts from the client of the agency.”

Those in favour of the motion?

Ayes

Natyshak.

Nays

Colle, Dickson, Hillier, Hoggarth, Kiwala, Martins, Yurek.

1650

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 2, section 5, as amended, carry?

Mr. Randy Hillier: No.

The Chair (Mr. Grant Crack): Those in favour?

Mr. Taras Natyshak: Mr. Chair, whose motion is this?

The Chair (Mr. Grant Crack): It's the section—

Mr. Taras Natyshak: Oh, it's the section again. Sorry.

Interjections.

The Chair (Mr. Grant Crack): Shall schedule 2, section 5, as amended, carry? Those in favour?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

Schedule 2, section 6, subsection 91.1(1) of the Employment Standards Act: a PC motion on page 4. Those in favour?

Mr. Randy Hillier: Could you read that into the record, Chair?

The Chair (Mr. Grant Crack): I'll give you a little bit of leeway, Mr. Hillier, at this point, but when I call for the vote—you'll have to say that prior to me actually saying “Those in favour.”

Mr. Randy Hillier: Okay. Thank you for your thoughtful decision.

The Chair (Mr. Grant Crack): My pleasure.

It is deemed moved that section 91.1(1) of the Employment Standards Act, as set out in section 6 of schedule 2 to the bill, be struck out and the following substituted:

“Audit

“91.1(1) An employment standards office may, by giving written notice, conduct an examination of the employers' records, practices or both to determine whether the employer is in compliance with one or more provisions of this act or the regulations.”

Those in favour?

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 2, section 6, subsection 91.1(2) of the Employment Standards Act: a PC on number 5—

Mr. Randy Hillier: Could you read it into the record?

The Chair (Mr. Grant Crack): It is deemed moved that subsection 91.1(2) of the Employment Standards Act, as set out in section 6 of schedule 2 to the bill, be struck out.

Those in favour?

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 2, section 6, subsection 91.1(3) clause (c) of the Employment Standards Act—

Mr. Randy Hillier: If you could read that into the record.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hillier.

It is deemed moved that subsection 91.1(3), clause (c) of the Employment Standards Act, as set out in section 6 of schedule 2 to the bill, be struck out.

Those in favour?

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

Mr. Randy Hillier: Just on a point of order, Chair: I know the member from Eglinton—Lawrence got—everything was stacked up and agreed that we wouldn't have to call for deferred votes. I was wondering if I could get the same attitude for reading the amendments into the record?

The Chair (Mr. Grant Crack): It would be my pleasure to grant you that privilege.

Mr. Randy Hillier: Thank you very much.

Interjections.

The Chair (Mr. Grant Crack): The motion is defeated.

Interjection.

The Chair (Mr. Grant Crack): Yes, it was voted, and then you asked me, prior to me asking, if I recall correctly. Is that correct?

Mr. Randy Hillier: Oh, the other one. Okay.

The Chair (Mr. Grant Crack): Yes.

Schedule 2, section 6, subsection 91.1(4), clause (c) of the Employment Standards Act, page 7: It is deemed moved that subsection 91.1(4), clause (c) of the Employment Standards Act, as set out in section 6 of schedule 2 to the bill, be struck out.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 2, section 6, subsection 91.1(5) of the Employment Standards Act, on page 8: It is deemed moved that subsection 91.1(5) of the Employment Standards Act, as set out in section 6 of schedule 2 to the bill, be struck out and the following added:

“Same

“(5) A notice given under subsection (1) may,

“(a) require the employment standards officer to include in the report an assessment of whether the employer has complied with this act or the regulations;

“(b) require the employment standards officer to include in the report an assessment of whether one or more employees are owed wages if, pursuant to clause (a), the employment standards officer has included an

assessment that the employer has not complied with this act or the regulations; and

“(c) require the employer to pay wages owed if, pursuant to clause (b), the employment standards officer assess that one or more employees are owed wages.”

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 2, section 6, subsection 91.1(6) of the Employment Standards Act, a PC motion on page 9: It is deemed moved that subsection 91.1(6) of the Employment Standards Act, as set out in section 6 of schedule 2 to the bill, be struck out and the following added:

“Report—unpaid wages

“(6) If the employment standards officer's report includes an assessment that one or more employees are owed wages, the employer shall provide the following information to be included in the report:

“1. The name of every employee who is owed wages and the amount of wages owed to the employee.

“2. An explanation of how the amount of wages owed to the employee was determined.

“3. If the notice under subsection (1) requires payment, proof of payment of the amount owed to the employee.”

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 2, section 6, subsection 91.1(7) of the Employment Standards Act: It is deemed moved that subsection 91.1(7) of the Employment Standards Act, as set out in section 6 of schedule 2 to the bill, be struck out and the following added:

“Same—other non-compliance

“(7) If the employment standards officer's report includes an assessment that the employer has not complied with this act or the regulations but no employees are owed wages as a result of the failure to comply, the employer shall provide the description of the measures that the employer has taken or will take to ensure that this act or the regulations will be complied with for the purposes of being included in the report.”

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 2, section 6, carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

Schedule 2, section 7—

Interjection.

The Chair (Mr. Grant Crack): Section 7: Shall schedule 2, section 7 carry? Those in favour?

1700

Mr. Mike Colle: Wait a minute. We're out of order here.

Ms. Ann Hoggarth: Yes, something is wrong.

Mr. Mike Colle: In the amendments we have, we have subsection 10(2) of schedule 2.

The Chair (Mr. Grant Crack): That's an NDP motion that comes down a little further. Right now we're dealing with schedules, so we're at schedule 2, section 7. We have to do sections 7, 8 and 9. They're not in your package because there are no amendments to these sections.

Mr. Mike Colle: So this is a vote on the section.

The Chair (Mr. Grant Crack): Correct.

Mr. Mike Colle: Oh, okay.

Mr. Taras Natyshak: Without an amendment, right?

The Chair (Mr. Grant Crack): Correct. There will be three of them.

Mr. Mike Colle: As opposed to a vote on a proposed amendment by one of the parties.

The Chair (Mr. Grant Crack): Correct. I'll be a bit more clear when a section has amendments. I'll be, again, more clear when a section does not have amendments.

Shall schedule 2, section 7, carry without amendments?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

We shall move to schedule 2, section 8—no amendments. Shall schedule 2, section 8 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 2, section 9—without amendments—carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

We shall move to schedule 2, section 10. There will be three amendments forwarded here, the first being schedule 2, subsection 10(2), NDP:

It is deemed moved that subsection 10(2) of schedule 2 to the bill be struck out and the following substituted:

"Same

"(2) Subsection 1(2) and section 6 come into force six months after the day the Stronger Workplaces for a Stronger Economy Act, 2014, receives royal assent."

Ayes

Natyshak.

Nays

Colle, Dickson, Hillier, Hoggarth, Kiwala, Martins, Yurek.

The Chair (Mr. Grant Crack): The motion is defeated.

Amendment to schedule 2, subsection 10(2)—this is a government motion:

It is deemed moved that subsection 10(2) of the bill be struck out and the following substituted:

"Same

"Subsections 7(1) and 8(1) to (5) come into force three months after the day the Stronger Workplaces for a Stronger Economy Act, 2014, receives royal assent.

"Same

"(2.1) Subsection 1(2) and section 6 come into force six months after the day the Stronger Workplaces for a Stronger Economy Act, 2014, receives royal assent."

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

Amendment to schedule 2, subsections 10(4) and (5), which is an NDP motion:

It is deemed moved that subsections 10(4) and (5) of schedule 2 to the bill be struck out and the following substituted:

“Same

“(4) Subsections 7(2) and 8(6) come into force on the second anniversary of the day the Stronger Workplaces for a Stronger Economy Act, 2014, receives royal assent.”

Mr. Randy Hillier: That should be 8(6). Right?

The Chair (Mr. Grant Crack): Okay. So subsections 7(2) and 8(6).

Ayes

Natyshak.

Nays

Colle, Dickson, Hillier, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 2, section 10, as amended, carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 2, as amended, carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

Moving right along to schedule 3, section 1: We have an amendment to schedule 3, subsection 127.3(1) of the Labour Relations Act, Ministry of Aboriginal Affairs. It's a PC motion, and it is deemed moved.

Subsection 127.3(1) of the Labour Relations Act, as set out in schedule 3 of section 1 to the bill, be struck out and the following added:

“Application of section

“127.3(1) This section applies if a trade union and an employer, including the Ministry of Agriculture, Food and Rural Affairs, have entered into a collective agreement.”

Mr. Randy Hillier: Chair, things are out of order in my package. I have amendment number 14. You're on amendment 14?

The Chair (Mr. Grant Crack): Did I skip one?

Mr. Randy Hillier: Yes, I believe you did.

The Chair (Mr. Grant Crack): I think I skipped one, so I'll read them again. I skipped two pages. Thank you, Mr. Hillier, for the clarification.

It is deemed moved that subsection 127.3(1) of the Labour Relations Act, as set out in schedule 3 of section 1 to the bill, be struck out and the following added:

“Application of section

“127.3(1) This section applies if a trade union and an employer, including the Ministry of Aboriginal Affairs, have entered into a collective agreement.”

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Moving right along:

Schedule 3, section 1, subsection 127.3(1) of the Labour Relations Act, Ministry of Agriculture, Food and Rural Affairs: a PC motion on page 15.

It is deemed moved that subsection 127.3(1) of the Labour Relations Act, as set out in schedule 3 of section 1 to the bill, be struck out and the following added:

1710

“Application of section

“127.3(1) This section applies if a trade union and an employer, including the Ministry of Agriculture, Food and Rural Affairs, have entered into a collective agreement.”

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

For the essence of time, I'm going to rule that I will try to speed things up a little bit here since the wording is the same in all of the next number of amendments up to amendment 40, from 16 to 40. I will mention in my opening remarks which ministry it is—actually, I'll do one more so that we know exactly what the wording is. I will do that at this point.

Schedule 3, section 1, subsection 127.3(1) of the Labour Relations Act, Ministry of the Attorney General, PC on page 16: It is deemed moved that subsection 127.3(1) of the Labour Relations Act, as set out in sched-

ule 3 of section 1 to the bill, be struck out and the following added:

“Application of section

“127.3(1) This section applies if a trade union and an employer, including the Ministry of the Attorney General, have entered into a collective agreement.”

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

As previously mentioned, we'll deal with schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Children and Youth Services. It's page 17, a PC amendment.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

Mr. Randy Hillier: So you were consistent with Speaker Stockwell's interpretation of the standing orders.

The Chair (Mr. Grant Crack): He was an excellent Speaker.

Schedule 3, section—oh, the motion is carried—sorry, defeated. You almost got one there, too. He's trying to throw me off.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Citizenship, Immigration and International Trade: a PC amendment, page 18.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

I think we're getting the gist of what's happening here.

We'll deal with the Ministry of Community and Social Services. It's a PC motion on page 19.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Again, an amendment to the Labour Relations Act, Ministry of Economic Development, Employment and Infrastructure: a PC motion on page 20.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

An amendment to the Labour Relations Act, Ministry of Education: PC motion, page 21.

Mr. Randy Hillier: Chair, a point of order.

The Chair (Mr. Grant Crack): Point of order.

Mr. Randy Hillier: To be consistent with Speaker Stockwell's ruling, you still have to read “schedule 3, section 1, subsection 127.3(1) of the Labour Relations Act” and then include the ministry name.

The Chair (Mr. Grant Crack): And how am I supposed to sleep tonight—

Mr. Randy Hillier: Like a baby.

The Chair (Mr. Grant Crack): Okay. Very good. I can accommodate that request.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Education: PC motion on page 21.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Energy: PC motion, page 22.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of the Environment and Climate Change: PC amendment on page 23.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: Chair, on a point of order.

The Chair (Mr. Grant Crack): A point of order.

Mr. Randy Hillier: I was just reading Speaker Stockwell's decision regarding amendments within time allocation. He ruled that it is not at the discretion of the Chair; that it is at the discretion of the Speaker that the whole amendment not be read into the record. It's the decision of the Speaker, not the Chair of the committee. If you could maybe have that clarified for me?

The Chair (Mr. Grant Crack): Thank you very much for bringing that to our attention, but again, I made reference to section 77(b) earlier today: The Chair can take reasonable steps, as I consider necessary, to facilitate the committee's consideration and disposition of multiple amendments. So thank you for your point of order, but we will continue along this vein of moving forward.

Mr. Randy Hillier: If there's a moment to have a recess sometime, you might want to just check Speaker Stockwell's ruling.

The Chair (Mr. Grant Crack): Thank you. I'll take that under advisement.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act amendment, Ministry of Finance: PC, on page 24.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act amendment, ministry of francophone affairs: PC, page 25.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Government and Consumer Services: PC amendment number 26.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Health and Long-Term Care: PC amendment on page 27.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Intergovernmental Affairs: PC amendment number 28, page 28.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Labour: PC amendment on page 29.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Municipal Affairs and Housing: PC amendment, page 30.

1720

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Natural Resources and Forestry: PC amendment on page 31.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Northern Development and Mines: PC motion, page 32.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Pan/Parapan American Games Secretariat: PC motion on page 33.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Research and Innovation: PC motion on page 34.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ontario Seniors' Secretariat: PC motion on page 35.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Tourism, Culture and Sport: PC motion on page 36.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): That motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Training, Colleges and Universities: PC motion on page 37.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ministry of Transportation: PC motion on page 38.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Treasury Board Secretariat: PC motion on page 39.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 3, section 1, subsection 127.3(1), Labour Relations Act, Ontario Women's Directorate: PC motion, page 40.

Mr. Randy Hillier: Your pronunciation—was that “director”?

The Chair (Mr. Grant Crack): Was that what I said? What did I say?

Mr. Randy Hillier: I'm not sure.

The Chair (Mr. Grant Crack): It says “director.”

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 3, section 1 carry—just a second, there were no amendments that passed: Shall schedule 3, section 1 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

There are no amendments to schedule 3, section 2. Shall schedule 3, section 2, carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

There are no amendments to schedule 3, section 3. Shall schedule 3, section 3, carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 3 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, Martins.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried. We're moving right along.

We'll move to schedule 4. That's on page 41 of your binder. Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 4: Ministry of Aboriginal Affairs. I will read this one, with Mr. Hillier's approval, so that everyone knows what the content of the

amendment is, and then we will proceed in a similar manner for the next couple of hundred, it looks like.

Interjection.

The Chair (Mr. Grant Crack): We'll get there.

It is deemed moved that paragraph 4 of the definition of "worker" in subsection 1(1) of the Occupational Health and Safety Act, as set out in section 1 of schedule 4 to the bill, be struck out and the following substituted:

"4. A person who receives training from an employer, including the Ministry of Aboriginal Affairs, but who, under the Employment Standards Act, 2000, is not an employee for the purposes of that act because the conditions set out in subsection 1(2) of that act have been met."

It's a PC motion on page 41. Those in favour?

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

A PC amendment on page 42. Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 4: Ministry of Agriculture, Food and Rural Affairs. Those in favour?

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: A point of order.

The Chair (Mr. Grant Crack): Point of order, Mr. Hillier.

Mr. Randy Hillier: I do want you to review Speaker Stockwell's ruling on how you're reading the amendments in. I do not believe that is consistent with his ruling, in that the decision to do that in the fashion that you're doing it is an authority reserved by the Speaker of the House, not the Chair of the committee.

The Chair (Mr. Grant Crack): Okay. Thank you for your point of order. What I will do is, I will move it one more time so that everyone can continue to get the content of the motion, and then I will continue to refer back to section 77(b) of the standing orders, where I will try to advance the business of the committee as appropriately as possible. Thank you for your point of order.

1730

I move that paragraph 4 of the definition of "worker" in subsection 1(1) of the Occupational Health and Safety

Act, as set out in section 1 of schedule 4 to the bill, be struck out and the following substituted:

“(4) A person who receives training from an employer, including the Ministry of Agriculture, Food and Rural Affairs, but who, under the Employment Standards Act, 2000, is not an employee for the purposes of that act because the conditions set out in subsection 1(2) of that act have been met.”

I think that was already defeated, so I will correct myself and go to—okay, that was already dealt with, so we’ll do the next one. Rural affairs was done, right?

Interjection.

The Chair (Mr. Grant Crack): Yes. Okay, so let’s go right back. We’re going to schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 4, Ministry of the Attorney General. There it is; it’s a PC motion on page 43:

I move that paragraph 4 of the definition of “worker” in subsection 1(1) of the Occupational Health and Safety Act, as set out in section 1 of schedule 4 to the bill, be struck out and the following substituted:

“(4) A person who receives training from an employer, including the Ministry of the Attorney General, but who, under the Employment Standards Act, 2000, is not an employee for the purposes of that act because the conditions set out in subsection 1(2) of that act have been met.”

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Moving to schedule 4, section 1, subsection 1(1) of the Occupational Health and Safety Act, paragraph 4, Ministry of Children and Youth Services: PC motion on page 44.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, section 1, subsection 1(1) of the Occupational Health and Safety Act, paragraph 4, Ministry of Citizenship, Immigration and International Trade: PC motion on page 45.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, section 1, subsection 1(1) of the Occupational Health and Safety Act, paragraph 4, Ministry of Community and Social Services: PC motion on page 46.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, section 1, subsection 1(1) of the Occupational Health and Safety Act, paragraph 4, Ministry of Community Safety and Correctional Services: PC motion on page 47.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, section 1, subsection 1(1) of the Occupational Health and Safety Act, paragraph 4, Ministry of Economic Development, Employment and Infrastructure: PC motion on page 48.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, section 1, subsection 1(1) of the Occupational Health and Safety Act, paragraph 4, Ministry of Education: a PC motion on page 49.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, section 1, subsection 1(1) of the Occupational Health and Safety Act, paragraph 4: Ministry of Energy.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, section 1, subsection 1(1) of the Occupational Health and Safety Act, paragraph 4, Ministry of the Environment and Climate Change: PC motion on page 51.

Mr. Joe Dickson: Just on a point of order—

Mr. Mike Colle: Yes, there's a misprint there.

The Chair (Mr. Grant Crack): I said "climate." I read into the record "climate."

Mr. Joe Dickson: You corrected the record. Thank you, Mr. Chair. You're doing a hell of a job.

The Chair (Mr. Grant Crack): Thank you very much.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, Ministry of Finance: PC motion 52 on page 52.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, ministry of francophone affairs: PC motion on page 53.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: On a point of order, Mr. Chair: What is the OHSA acronym that you're using?

The Chair (Mr. Grant Crack): OHSA is the Occupational Health and Safety Act.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Ministry of Government and Consumer Services: PC motion on page 54.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

The amendment on page 55 is the exact same as on page 54—Ministry of Government and Consumer Services—so I will call that one out of order.

Mr. Randy Hillier: Which one?

The Chair (Mr. Grant Crack): Page 55 is the same as 54. So we shall move to 56.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Ministry of Health and Long-Term Care: PC motion on page 56.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Ministry of Intergovernmental Affairs: Page 57, PC motion.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ministry of Labour: PC motion on page 58.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, Martins.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: On a point of order, Mr. Chair: I just got the ruling from Speaker Stockwell. I want to just point out that I believe the ruling of the Chair and how the amendments are being read are not consistent with the standing orders, as clarified by Speaker Stockwell. I can read Speaker Stockwell's ruling, if you like, or you may want to reconsider. Maybe I should just read his ruling into the record so that—

The Chair (Mr. Grant Crack): I'd appreciate it if you'd read it to us since it's on a point of order.

1740

Mr. Randy Hillier: Okay. Maybe I'll shorten it up, or maybe—

Ms. Ann Hoggarth: Point of order: Can we have copies, please?

The Chair (Mr. Grant Crack): If there's a request for copies, that would be more than appropriate.

Interjection.

The Chair (Mr. Grant Crack): The whole thing?

Ms. Ann Hoggarth: No, we can read it later.

The Chair (Mr. Grant Crack): So do you want copies prior, or do you want him to read it into the record and provide copies?

Ms. Ann Hoggarth: He can read it in—

The Chair (Mr. Grant Crack): Why don't we just—quickly. I'll give you a minute to sum it up, and then—

Mr. Randy Hillier: This is a Speaker's ruling regarding amendments in committee:

"The practice of requiring an amendment to be read provides all members present with the opportunity to hear the proposed amendment. For the Chair, the Clerks and those members who have received the printed amendments in advance, it is an opportunity to compare what is being read with the printed text that is before them. The fundamental parliamentary principle behind this procedure is that every member has a right to know what he or she is voting on.

"Under a time allocation motion such as we are currently operating under"—this, again, is the Speaker's ruling—"the procedure is altered somewhat. The first part of the process is eliminated by virtue of the terms of the motions which state the amendments are deemed to have been moved. This does not, however, mean that the amendment is also deemed to have been read from the Chair. Indeed, the reading from the chair in this circumstance would be the first time the amendment is ever heard. The Chair may only dispense with the reading of the amendment with unanimous consent, even in the face of a time allocation motion such as the one we are operating under."

I can continue, but I think you get the drift. This has been done in the past. It has been considered and discussed, and the Speaker has ruled. I believe and I would move that the amendments be read into the record in a manner consistent with the past ruling by the Speaker.

The Chair (Mr. Grant Crack): Thank you for your point of order.

Ms. Ann Hoggarth: Point of order: I think it needs to be read again so the Clerk can hear it. Did you get it from him just now?

Interjections.

The Chair (Mr. Grant Crack): Thank you very much for your point of order, Mr. Hillier. With all due respect to Speaker Stockwell's ruling at that time, from what I understand, the amendments to the standing orders follow and are taking into consideration that ruling. Maybe we can get some confirmation as to the actual date of that ruling versus the changes that have come forward in the standing orders.

As such, I appreciate what's in there. I will continue my work under the standing orders as they are at this particular point. I believe that all members have copies and have had copies of all the amendments. They are all very similar in nature, with just one name change on them. I have, on occasion, read numerous times just so that the committee members are well aware of what they're voting on. So I do have, as Chair, the confidence that people around this table know what they're voting on. Respectfully, I take your point of order and we will continue.

We will move to subsection—

Mr. Joe Dickson: Point of order, Mr. Chair.

The Chair (Mr. Grant Crack): Point of order from Mr. Dickson.

Mr. Joe Dickson: If I may, when MPP Hillier speaks, I'm very interested in what he has to say. I'm just wondering if he might elevate his voice one octave so I can hear a little better, because I want to hear what he's saying.

Thank you, Mr. Chair, and thank you, Mr. Hillier.

Mr. Randy Hillier: I'll be happy to comply. I have to say, Joe, that this is the first time anybody has ever told me that I should raise my voice more, but I certainly will.

The Chair (Mr. Grant Crack): Thank you. The respect here is wonderful. I'm quite impressed at how we can all work together and care about what other people are saying.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Ministry of Municipal Affairs and Housing: PC motion on page 59.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Perhaps I could just read the name of the different ministry now.

Mr. Randy Hillier: No.

The Chair (Mr. Grant Crack): No? You wouldn't be happy with that? No, you wouldn't be too happy with that, eh? Okay. This is a good compromise.

The previous motion was defeated, so we are on subsection 1(1), paragraph 4 of the OHSA, Ministry of Natural Resources and Forestry: PC motion on page 60.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Ministry of Northern Development and Mines: PC motion on page 61.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, ministry of Pan/Parapan American Games Secretariat: PC motion on page 62.

Ayes

Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ministry of Tourism, Culture and Sport: PC motion on page 63.

Ayes

Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ministry of Training, Colleges and Universities: PC motion, page 64.

Ayes

Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion's defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Ministry of Transportation: PC motion, page 65.

Ayes

Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion's defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, ministry of Treasury Board Secretariat: PC motion, page 66.

Ayes

Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, ministry of Women's Directorate: a PC motion on page 67.

Ayes

Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Accessibility Standards Advisory Council/Standards Development Committee: PC motion on page 68.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Advertising Review Board: a PC motion on page 69.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: Chair, a point of order.

The Chair (Mr. Grant Crack): A point of order, Mr. Hillier.

Mr. Randy Hillier: Maybe just for the committee's benefit: We're dealing with a lot of amendments to the Occupational Health and Safety Act. Maybe we could have a copy of the Occupational Health and Safety Act brought to the committee for the members.

The Chair (Mr. Grant Crack): There's been a request by Mr. Hillier for a copy of the Occupational Health and Safety Act to be brought to the committee. I will ask the Clerk to make those arrangements to get you that act as soon as possible.

Mr. Randy Hillier: Thank you, Chair.

The Chair (Mr. Grant Crack): You're welcome.

Subsection 1(1), paragraph 4 of the OHSA, Advisory Council on Drinking Water Quality and Testing Standards: PC motion, page 70.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Advisory—oh, we did that one, didn't we?

Interjection.

The Chair (Mr. Grant Crack): We're on 71. That motion was defeated, by the way—the previous one.

Ms. Ann Hoggarth: Seventy was, not 71.

The Chair (Mr. Grant Crack): Seventy was.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Advisory Council to the Order of Ontario: PC motion on page 71.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Would everyone be interested in a 10-minute recess in order to consult with the Clerk on a matter of importance such as what everyone wants to eat?

Interjections: Agreed.

The Chair (Mr. Grant Crack): So we will have about a 10-minute recess—

Mr. Taras Natyshak: Can you show that that was unanimous, that we all agreed on that?

The Chair (Mr. Grant Crack): Oh, good.

Mr. Taras Natyshak: Let the record state that, please.

The Chair (Mr. Grant Crack): I appreciate that.

A 10-minute recess.

The committee recessed from 1754 to 1809.

The Chair (Mr. Grant Crack): Back to order, everyone. I hope you enjoyed your break.

We'll move to the PC amendment on page 72: subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Agricorp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: Point of order, Speaker.

The Chair (Mr. Grant Crack): "Chair," thank you very much, Mr. Hillier.

Mr. Randy Hillier: "Chair," pardon me. I don't want to elevate you too far up. You've been doing a marvellous job, but—

The Chair (Mr. Grant Crack): Just wait.

Mr. Randy Hillier: Two points of order. The first one: I noticed that there's a new member on. I'm just wondering if that member is subbed in and is a voting member.

Interjection.

Mr. Randy Hillier: Okay. The second point of order: I just want to again refer the Chair to the French Language Services Act, section 3(1): "Everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly." I would request that the amendments be read into the record in both English and French.

The Chair (Mr. Grant Crack): Are you prepared, Mr. Hillier, to read those amendments in French?

Mr. Randy Hillier: Sure, as long as I have them translated first.

The Chair (Mr. Grant Crack): I don't believe we have them available at this point in the other—

Mr. Randy Hillier: I know that you're fluently bilingual.

The Chair (Mr. Grant Crack): I do well enough. Although I'm a huge supporter of that, I don't believe that we have those documents translated at this point. So I'll take your point of order under advisement and request the Clerk to provide the committee with those translated amendments as quickly as they can.

Mr. Randy Hillier: No, the point of order was that they be read in in both English and French.

The Chair (Mr. Grant Crack): I don't think we have them available here at this time, but I would be happy to do the same thing that I would be doing here, if they were made available.

Having said that, thank you for your point of order. We shall—

Mr. Taras Natyshak: Just a point of clarification, Chair: Would it be possible, then, to have an in-house translator, at least, read into the Hansard in French, or an on-the-fly type thing? Is that a possibility?

The Chair (Mr. Grant Crack): That is a possibility. Madam Clerk, what is the Legislative Assembly capable of doing at this point?

Interjection.

The Chair (Mr. Grant Crack): Thank you, Mr. Natyshak. Just to make comments on your point of clarification, I believe that there is another committee room that does have French-language translation available. Had this request been made prior to the meeting, I think we would have been able to accommodate it, but under these circumstances, we don't have it available at this time. I know the Clerk's office will work diligently to provide copies of the amendments in our second official language, or jointly—two official languages. Having said that, we will continue to work as mandated by the House.

Mr. Yurek on a point of order.

Mr. Jeff Yurek: You gave Mr. Hillier the choice of reading into Hansard the amendments in French, so I would assume it extends to reading them in English as well. We will gladly read our amendments into Hansard. Thank you.

The Chair (Mr. Grant Crack): I'm not sure—

Mr. Jeff Yurek: You offered to Mr. Hillier to read the amendments in French.

The Chair (Mr. Grant Crack): Does he have them available?

Mr. Jeff Yurek: However, since we have French and English as our choice, we choose to read our amendments into Hansard in English going forward.

The Chair (Mr. Grant Crack): Okay. Thank you.

Mr. Taras Natyshak: Again, a point of clarification, Chair: You're assuring the committee that all amendments and all proceedings will eventually be translated into the French language?

The Chair (Mr. Grant Crack): I believe Hansard provides bilingual translation. Is that correct?

Interjections.

The Chair (Mr. Grant Crack): Okay, thank you for your points of order and clarification. There is no simultaneous translation available today to deal with this.

Mr. Taras Natyshak: Sorry, there is no simultaneous—

The Chair (Mr. Grant Crack): Not in this room. What Hansard does is, if there's a member that chooses to address the committee in French, then that will be recorded in French as well as English. Unfortunately, we don't have that at this particular point.

Mr. Taras Natyshak: OK. Alors, juste une autre question.

Le Président (M. Grant Crack): Oui.

Mr. Taras Natyshak: Vous avez dit que c'était la responsabilité du comité d'avoir la traduction, des services de traduction. Qui est responsable de demander cette traduction avant que le comité commence?

The Chair (Mr. Grant Crack): Merci pour la question. I think I'll respond so that everybody can respond. I think this is a broader issue for the Legislative Assembly to address—sorry.

Interjection.

The Chair (Mr. Grant Crack): As I indicated, we're not set up for simultaneous translation in this room. But in the event that a request had been made prior, we could have prepared for that. I respect the requests that are being made, but I think we as legislators should be rethinking about how we conduct business in this House.

Mr. Taras Natyshak: And I can appreciate that, and I thank you for your position on that, Chair. I just want to have you clarify who is responsible for assuring that there are translation services prior to the start of the committee. Is it the responsibility of any individual member of the committee? Does the Clerk take care of that or is it the Chair?

The Chair (Mr. Grant Crack): I think what we're getting into is a broader issue as to the setup of how we conduct business as legislators here in the Legislative Assembly. We do obviously have some rooms that have simultaneous translation and other rooms that don't. As I just indicated, perhaps it would be a good idea if we as legislators reviewed how we provide services to the public in both official languages. But to answer your question, at this particular point, the committee is set up in this particular room and there's been no provision made for translation services.

Mr. Taras Natyshak: So there's no set rule as to who requests translation services? Or is it simply, through the luck of the draw, if you get into the other committee room that does have that service, then you do get translated Hansard?

The Chair (Mr. Grant Crack): Well, I appreciate the questions coming to me as Chair, but—

Mr. Taras Natyshak: I'm sure you're as interested in it as—and I know you are.

The Chair (Mr. Grant Crack): Yes.

Mr. Taras Natyshak: I'd just like to know, for clarification, how do we ensure—you know, who's responsible for ensuring that there is translation available through committee work?

The Chair (Mr. Grant Crack): I think we have work to do as legislators here in the province in order to ensure that we provide services in both official languages. I don't know if this is the forum to do this. It's great that it's coming up so that we can continue these discussions as we move forward to better serve the population.

Unfortunately, as Chair, all I can do is continue to move forward with the order from the House from October 28 and continue to deal with the business that's

before the committee, taking under advisement some of the issues that have been raised here this evening.

Mr. Randy Hillier: Chair?

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: It's not an option; it is a statutory obligation under the French Language Services Act that the proceedings in this Legislature are available in both languages. If that can't be accommodated in this committee, then this committee is in violation, and there is no other avenue other than to relocate to a room that has those translation services available, or adjourn until such time that those translation services can be provided in this committee room. Anything less would be a failing and a contradiction to our own statutes.

The Chair (Mr. Grant Crack): I'm going to say that I respect everything that you're saying. I just would like to indicate that, although this is an important issue, for it to be brought up at this particular point is something I can only, as Chair, take under advisement. We as legislators, especially the legislators in the past, should have probably undertaken some discussions on how to serve the public.

Again, I appreciate everyone bringing it forward, the numbers that have spoken to it, but we're here this evening—

Mr. Randy Hillier: Chair, maybe I'll just—

The Chair (Mr. Grant Crack): —to do the best that we can under the rules and guidelines that we have been given, and that past committees have been given as well. Because—

Mr. Randy Hillier: Chair—

The Chair (Mr. Grant Crack): —it's not only this particular committee, Mr. Hillier; it's many of the other committees.

Mr. Randy Hillier: It's others, yes. But—

The Chair (Mr. Grant Crack): So it's a broader issue that I think we need to address through the assembly.

Mr. Randy Hillier: —when we enact laws here in this Legislature and they're for people to abide by—it's not optional for somebody to abide by the speed limits, it is the law; they must. When we pass laws that we compel ourselves to do things, again, they're not optional for us; we must compel. Neither prince nor pauper is above the law here. We have laws that compel us to act in certain ways, and I'm being told that we cannot be in compliance with our own law in this committee. To ask us to break the law is unacceptable.

The Chair (Mr. Grant Crack): Okay. I think I've made my point. I appreciate the points as well. I would suspect that, in the future, as we move forward, it's probably incumbent upon members of the committee and members of this Legislature who want to have the services translated to make that request to ensure that the committee will be in a room that has simultaneous translation. Unfortunately, that's not the case at this particular point, and as such—

Mr. Randy Hillier: But Chair, it's—

The Chair (Mr. Grant Crack): —as such, I just have to rule—you're making some great points. I think it's broader than the work that we're doing right now. It's a fundamental right, as you're indicating.

Mr. Randy Hillier: It's an obligation in the law for us to do it. Us sitting here, in violation of the law—you're asking us to be lawbreakers. I find that atrocious, that we would say, "Well, we just can't abide by the law, so we're going to disregard the law and we will violate the law."

I don't believe that anybody ever got any schooling when they came here that it is our individual responsibility to make sure that the Legislative Assembly brings forth all the technology and all the things that are required by statute before we come to a committee room. It is the assembly's business to ensure that they are conducting and have rooms that are in compliance with the law. If we can't have that, then this committee hearing is, like I said, in violation of the law, is not legitimate and should be adjourned until such time that we bring the committee room into compliance with the law.

Ms. Ann Hoggarth: Point of order.

The Chair (Mr. Grant Crack): Thank you, Mr. Hillier.

Ms. Hoggarth.

Ms. Ann Hoggarth: For my information, does every committee do that?

The Chair (Mr. Grant Crack): No, not that I'm aware of.

Ms. Ann Hoggarth: So there may have been many committees that have not done that. So we're just doing this now to stall.

The Chair (Mr. Grant Crack): I can't particularly judge one way or another, but what I can tell you is that it would be something that requires greater discussion in the future on behalf of the legislators.

We'll take a two-minute recess here, and I want to consult with—

Mr. Joe Dickson: I have the next point of order.

The Chair (Mr. Grant Crack): Okay.

The committee recessed from 1824 to 1826.

The Chair (Mr. Grant Crack): Thank you very much.

Mr. Dickson, you had a point of order?

Mr. Joe Dickson: I do, Mr. Chair. As I went around the room, I realized I have spoken to every elected member here on more than one occasion, and on all occasions, they were in English, so quite obviously, everyone here fully understands English. The meeting is being carried on in English at the moment, albeit some points that were raised you can certainly review as time goes on or in the fullness of time. But I have to suggest to you that we're not proceeding with the meeting, and that's what we're here for. I don't understand why we're not here working, getting the work done.

The Chair (Mr. Grant Crack): Thank you very much.

Ms. Ann Hoggarth: Point of order.

The Chair (Mr. Grant Crack): I'm going to do one more point of order—is it a point of order, Mr. Natyshak?

Interjection.

The Chair (Mr. Grant Crack): And then a point of order there, and then we're going to continue with the business.

M. Taras Natyshak: Merci, monsieur le Président. J'apprécie la position de M. Dickson, mais ce n'est pas vraiment le point. Le point est que l'information que nous présentons ici avec ce projet de loi, un projet de loi qui vient du gouvernement—il devrait être possible pour les francophones de la province de l'Ontario de connaître et de savoir ce que le gouvernement nous présente.

Je regarde mon collègue du gouvernement—il me regarde maintenant et je ne pense pas qu'il a l'habileté, parce que nous n'avons pas de service de traduction, de connaître ce que moi je dis ici. C'est une faute que nous présentons ici, et quelque chose que j'espère que le gouvernement essaye de changer aujourd'hui même.

The Chair (Mr. Grant Crack): Merci, Mr. Natyshak. Ms. Hoggarth, and then we're going to continue.

Ms. Ann Hoggarth: I'll pass.

The Chair (Mr. Grant Crack): Thank you very much, everyone, for bringing the points of order forward. We are going to continue with the business as mandated by the House, so we will continue.

We are on 73, I believe. Is that correct?

Interjection.

The Chair (Mr. Grant Crack): So 73, subsection (1)—

Mr. Jeff Yurek: Chair, you didn't acknowledge my point of order.

The Chair (Mr. Grant Crack): I didn't know you had a point of order.

Mr. Jeff Yurek: When I spoke, you said yes. So I will read this, then?

The Chair (Mr. Grant Crack): Is this your amendment?

Mr. Jeff Yurek: It's a PC amendment.

The Chair (Mr. Grant Crack): Okay, very good. Go ahead.

Interjection.

The Chair (Mr. Grant Crack): No? No, that's right. It's deemed.

Mr. Jeff Yurek: You offered Hillier to read in in French.

The Chair (Mr. Grant Crack): I don't know if I necessarily offered him that.

Mr. Jeff Yurek: You did.

The Chair (Mr. Grant Crack): I said, "Are you able to?" Anyway, I'd have to check.

The bottom line is, we're going to move forward. These are all deemed to have been moved. If there is a request for me—

Mr. Jeff Yurek: So you're not consistent on your rulings? Is that right?

The Chair (Mr. Grant Crack): I didn't make a ruling before.

Mr. Jeff Yurek: You offered Mr. Hillier to read it in.

The Chair (Mr. Grant Crack): Mr. Yurek, with all due respect, please respect the Chair. I would like some respect on the fact that, number one, these motions have all been deemed to be moved according to the order from the House. If there is a request for me to read them, I will read them. I will make my judgments based on standing order 77(b) as to how we move forward in order to conduct the business under the motion that was given to us at the House. Thank you very much for your input.

We'll go to PC motion 73: subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Agricultural Research Institute of Ontario.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Agriculture, Food and Rural Affairs Appeal Tribunal: PC motion, page 74.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Alcohol and Gaming Commission of Ontario: PC motion, page 75.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Algoma University board of governors: PC motion, page 76.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion's defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Algonquin College of Applied Arts and Technology board of governors: PC motion, page 77.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Algonquin Forestry Authority: PC motion, page 78.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Animal Care Review Board (Safety, Licensing Appeals and Standards Tribunal): PC motion, page 79.

Mr. Randy Hillier: "Tribunals Ontario."

The Chair (Mr. Grant Crack): Oh, "Tribunals Ontario." PC motion, page 79.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion's defeated.

Subsection 1(1), paragraph 4 of the OHSA, Art Gallery of Ontario: PC motion, page 80.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Assessment Review Board (Environment and Land Tribunals Ontario): PC motion, page 81.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion's defeated.

Subsection 1(1), paragraph 4, of the Occupational Health and Safety Act, Autism Spectrum Disorders Clinical Expert Committee (and Clinical Expert Committee): PC motion, page 82.

Ayes

Hillier, Yurek.

Ms. Ann Hoggarth: Point of order: I think it's "ASD Clinical Expert Committee," not "and."

Mr. Randy Hillier: That's correct.

The Chair (Mr. Grant Crack): It's an "ASD"?

Interjection.

The Chair (Mr. Grant Crack): I will correct the record: "ASD Clinical Expert Committee."

We have two in favour. Those opposed?

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion's defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Board of Directors of Drugless Therapy (Naturopathy): PC motion, page 83.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion's defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Board of Funeral Services: PC motion, page 84.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Board of Negotiation: PC motion, page 85.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion's defeated.

PC motion page 86 is the same as 85: It is out of order. That's what I am being told.

Mr. Randy Hillier: Eighty-six isn't out of order.

The Chair (Mr. Grant Crack): Eighty five—

Interjection.

The Chair (Mr. Grant Crack): Okay, so I will allow it.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Board of Negotiation (Environment and Land Tribunals Ontario): PC page 86.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Building Code Commission: PC page 87.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4, of the Occupational Health and Safety Act, Building Code Conservation Advisory Council, PC page 88.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Building Materials Evaluation Commission: PC page 89.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Business Risk Management Review Committee: PC page 90.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Cambrian College of Applied Arts and Technology board of governors: PC motion page 91.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Canadian National Exhibition Association: PC page 92.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Canadore College of Applied Arts and Technology: PC motion, page 93.

Mr. Randy Hillier: Board of governors.

The Chair (Mr. Grant Crack): Subsection 1(1), paragraph 4, of the Occupational Health and Safety Act,

Canadore College of Applied Arts and Technology board of governors: PC motion page 93.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Cancer Care Ontario: PC motion page 94.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

I remind all the members to make sure that their hands aren't up prior to me asking for the vote. It's easier for the Clerk to tabulate. Thank you very much, everyone.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Case Management Masters Remuneration Commission: PC motion, page 95.

1840

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: Point of order, Mr. Chair.

The Chair (Mr. Grant Crack): Okay. Point of order, Mr. Hillier.

Mr. Randy Hillier: Pursuant to standing order 110(b), I move that the committee be provided a copy of the following document as it is relevant to the deliberations of clause-by-clause amendments to Bill 18—

Mr. Joe Dickson: Point of order: I can't hear the speaker.

Mr. Randy Hillier: Oh—that the committee be provided a copy of the following document as it is relevant to the deliberations of clause-by-clause amendments to Bill 18, An Act to amend various statutes with respect to employment and labour, and

That, pursuant to section 3 of the French Language Services Act, which states that everyone has the right to use English or French in the debates and other proceed-

ings of the Legislative Assembly, copies be provided to the committee in both official languages, English and French—I would request that the Employment Protection for Foreign Nationals Act (Live-in Caregivers and Others) of 2009 be provided to the committee in both English and French.

The Chair (Mr. Grant Crack): Thank you for your point of order. I will request the Clerks' office to provide the documents as soon as possible, but in the meantime, we will continue the business at hand.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Centennial Centre of Science and Technology (Ontario Science Centre): PC motion, page 96.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Centennial College of Applied Arts and Technology board of governors—I think we did that one already, did we not? No.

Ms. Ann Hoggarth: No, that was Canadore.

The Chair (Mr. Grant Crack): That was Canadore. Sorry.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Certified General Accountants Association of Ontario: PC motion, page 98.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Certified Management Accountants of Ontario: PC motion, page 99.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Child and Family Review Services Board (Social Justice Tribunals Ontario): PC motion, page 100. Those in favour?

Mr. Randy Hillier: I don't believe you read that correctly. Could you just reread that?

The Chair (Mr. Grant Crack): Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Child and Family Services Review Board (Social Justice Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Citizens' Council, page 101: PC motion.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Civil Rules Committee: PC motion, page 102.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: Point of order, Chair.

The Chair (Mr. Grant Crack): Point of order.

Mr. Randy Hillier: Chair, pursuant to standing order 110(b), I move that the committee be provided with a

copy of the following document as it is relevant to the deliberations of clause-by-clause amendments to Bill 18, An Act to amend various statutes with respect to employment and labour; and

That, pursuant to section 3 of the French Language Services Act, which states that everyone has the right to use English or French in the debates and other proceedings of the Legislative Assembly, that the copies provided to the committee be provided in both official languages, English and French—and that is the Employment Standards Act of 2000.

The Chair (Mr. Grant Crack): Thank you for your point of order. We'll continue moving.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Collège Boréal d'arts appliqués et de technologie board of governors: PC motion, page 103.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Collège d'arts appliqués et de technologie La Cité collégiale board of governors.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, College of Trades Appointments Council: PC, page 105.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Committee on the Status of Species at Risk in Ontario (COSSARO): PC, page 106.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupation Health and Safety Act, Committee to Evaluate Drugs: PC, page 107.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Conestoga College Institute of Technology and Advanced Learning board of governors: PC, page 108.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Confederation College of Applied Arts: PC, page 109. Those in favour?

Mr. Randy Hillier: That was not complete, Chair.

The Chair (Mr. Grant Crack): Where?

Mr. Randy Hillier: If you could reread that.

The Chair (Mr. Grant Crack): Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Confederation College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Consent and Capacity Board: PC, page 110.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Conservation Review Board (Environment and Land Tribunals Ontario): PC, page 111.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Constable Joe Macdonald Public Safety Officers' Survivors Scholarship Fund Committee: PC, page 112.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the Association of Ontario Land Surveyors.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Jeff Yurek: Point of order, Chair.

The Chair (Mr. Grant Crack): Okay, a point of order.

Mr. Jeff Yurek: Thank you, Chair. Pursuant to standing order 110(b)—that the committee be provided a copy of the following document, as it is relevant to the deliberations of clause-by-clause amendments to Bill 18, An Act to amend various statutes with respect to employment and labour; and that, pursuant to section 3 of the French Language Services Act, which states that everyone has the right to use English or French in debates and other proceedings of the Legislative Assembly, the copies provided to the committee be provided in both official

languages, English and French. I'm asking for the Labour Relations Act, 1995.

The Chair (Mr. Grant Crack): These are not points of order, so I'm going to be ruling them out of order in the future.

Mr. Randy Hillier: They are pursuant to standing order 110.

The Chair (Mr. Grant Crack): Well, what we're doing is that we're going to be dealing with the order from the House here at committee. I'm not going to argue about it. We're going to continue the business.

Mr. Randy Hillier: Just for clarification: You're suggesting that there cannot be any points of order during this committee?

The Chair (Mr. Grant Crack): This point of order has been brought up. This is the third occasion, and it's not a point of order, so—

Mr. Randy Hillier: Can points of order be raised, or are no points of order allowed?

The Chair (Mr. Grant Crack): Points of order can be raised if they're relevant to the business that we're doing here. This is the third time I've heard that, so if I hear it again—

Mr. Randy Hillier: No, it's not. It's all relating to labour legislation—

The Chair (Mr. Grant Crack): Okay. So we're going to continue the business. I understand your concerns; they're well-documented.

We will move to the PC motion on page 114. Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the Association of Professional Engineers of Ontario.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the Association of Professional Geoscientists of Ontario.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the Canadian Centre for Occupational Health and Safety: PC page 116.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Audiologists and Speech Language Pathologists of Ontario.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Chiropractors of Ontario.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Chiropractors of Ontario.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Dental Hygienists of Ontario.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Dental Technologists of Ontario.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Denturists of Ontario.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Dietitians of Ontario.

Ayes

Hillier, Yurek.

Nays

Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Interjection.

The Chair (Mr. Grant Crack): Do you want that side of the table to go first, so we can continue? Okay. We'll take a recess so that we can eat. Is that fair enough? Okay, 15 minutes.

The committee recessed from 1854 to 1921.

The Chair (Mr. Grant Crack): Back to order. I hope everybody is full.

We will move on to the next amendment, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Early Childhood Educators: the PC motion on page 124.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Kinesiologists of Ontario: PC, page 125.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Massage Therapists of Ontario: PC, page 126.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Medical Laboratory Technologists of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Medical Radiation Technologists of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Midwives of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Nurses of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Occupational Therapists of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Opticians of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Council of the College of Optometrists of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the College of Physicians and Surgeons of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the College of Physiotherapists of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the College of Psychologists of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the College of Respiratory Therapists of Ontario.

Mr. Randy Hillier: I do have this translated into French, if you'd like to read that in the French as well for me.

The Chair (Mr. Grant Crack): Thank you for providing the committee with the translation but the amendments were brought forward to the committee in English, so we'll continue in English. Thank you very much.

Mr. Randy Hillier: You're refusing to read—

The Chair (Mr. Grant Crack): I'm not refusing. We're just going to go by the order from the House. We're going to continue under standing order 77. I would be more than happy to read that into the record.

Mr. Randy Hillier: It's a point of privilege. It's not a point of order; it's a point of privilege that the House, under the French Language Services Act and under the

Legislative Assembly Act, is required to provide proceedings in both English and French.

The Chair (Mr. Grant Crack): When amendments are tabled to the House and the committee, they are tabled in either English or French or both. I absolutely have confidence that this is a translation or close—I am not sure, I haven't had the time to study that. As such, we will go by the order from the House and we will continue with what was presented to the committee at the time of filing. The deadline, I believe, was 1 p.m., the 31st, on Friday. Had you done them in both official languages, I'd have been more than happy to—

Mr. Randy Hillier: It is the assembly's obligation under law—

The Chair (Mr. Grant Crack): Okay. I thank you very much for your point and thank you for doing that—

Mr. Randy Hillier: It is a point of privilege.

The Chair (Mr. Grant Crack): But we're going to continue the mandate.

Mr. Randy Hillier: You are denying the people of Ontario who have French as their mother tongue—

The Chair (Mr. Grant Crack): We're going to continue to move on and we're going to deal with schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the College of Respiratory Therapists of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario.

1930

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the College of Veterinarians of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the Institute of Chartered Accountants of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the College of the Ontario Association of Architects.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: Chair, just a point of privilege, one more time: I can't help but say that the rulings of the Chair are circumventing the expressed will and statutory obligations of the House.

The Chair (Mr. Grant Crack): And my job, Mr. Hillier, is to ensure that the standing orders are observed, and that the order from the House is observed. As such, we will deal with the documents and amendments that your party has forwarded to this committee to review today. So we'll continue to move forward. Thank you.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the Ontario College of Pharmacists.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the Ontario College of Social Workers and Social Service Workers.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the Ontario College of Teachers.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the Ontario Professional Foresters Association.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the Registered Insurance Brokers of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Council of the Royal College of Dental Surgeons of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Criminal Injuries Compensation Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Criminal Rules Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Curriculum Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Custody Review Board (Social Justice Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Death Investigation Oversight Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Deposit Insurance Corp. of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Deputy Judges Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Deputy Judges Remuneration Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Durham College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Education Quality and Accountability Office.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Education Relations Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, eHealth Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Electrical Safety Authority.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Environmental Review Tribunal (Environment and Land Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Family Rules Committee.

Ayes

Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Fanshawe College of Applied Arts and Technology board of governors.

Ayes

Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, Financial Services Commission of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

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Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Financial Services Tribunal.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Fire Marshal's Public Fire Safety Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Fire Safety Commission (Safety, Licensing Appeals and Standards Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Fish and Wildlife Heritage Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, French Language Health Services Advisory Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Friends of the Greenbelt Foundation.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, George Brown College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Georgian College of Applied Arts and Technology board of directors.

Mr. Randy Hillier: Board of governors.

The Chair (Mr. Grant Crack): Sorry, board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Grain Financial Protection Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Greater London International Airport Authority.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, Greater Toronto Airports Authority.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, Greenbelt Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, Grievance Settlement Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Health Professions Appeal and Review Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Health Professions Regulatory Advisory Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Health Services Appeal and Review Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the HealthForceOntario marketing and recruiting agency. Those in favour?

Mr. Randy Hillier: Did you read that incorrectly?

The Chair (Mr. Grant Crack): The HealthForceOntario marketing and recruiting agency?

Mr. Randy Hillier: Recruitment agency.

The Chair (Mr. Grant Crack): Okay, so it's "recruitment agency."

Those in favour?

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Higher Education Quality Council of Ontario (HEQCO).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the hospital board-Kingston General Hospital board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Housing Services Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Human Rights Legal Support Centre.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Human Rights Tribunal of Ontario (Social justice tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Humber College Institute of Technology and Advanced Learning board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Hydro One Inc.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Independent Electricity System Operator (IESO).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Investment Advisory Committee of the Public Guardian and Trustee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Joint Committee on the Schedule of Benefits. 1950

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Joint Practice Board.

Ayes

Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Judicial Appointments Advisory Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Justices of the Peace Appointments Advisory Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Justices of the Peace Remuneration Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Justices of the Peace Review Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Labour-Management Advisory Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Lake of the Woods Control Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Lake Simcoe Coordinating Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Lake Simcoe Science Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Lakehead University board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion's defeated.

Subsection 1(1), paragraph 4 of the OHSA, Lambton College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Landlord and Tenant Board (Social Justice Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Languages of Instruction Commission of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Laurentian University board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Law Foundation of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Law Society of Upper Canada.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Legal Aid Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Licence Appeal Tribunal (Safety, Licensing Appeals and Standards Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Liquor Control Board of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Livestock Financial Protection Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Livestock Medicines Advisory Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Loyalist College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, McMaster board of governors. Those in favour?

Mr. Randy Hillier: Do you want to reread that? I don't think it's correct.

The Chair (Mr. Grant Crack): What number are we at—14?

The Clerk of the Committee (Ms. Sylwia Przewdziecki): It's 214.

The Chair (Mr. Grant Crack): Okay, there's an error here.

Subsection 1(1), paragraph 4 of the OHSA, McMaster University board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, McMichael Canadian Art Collection.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Medical Eligibility Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Metrolinx.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Metropolitan Toronto Convention Centre Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Minister's Advisory Council for Arts and Culture.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Minister's Advisory Council on Special Education.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, MLSE Team Up Foundation.

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Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Mohawk College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Motion defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Municipal Property Assessment Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Nawiing-inokiima Forest Management Corporation.

Mr. Randy Hillier: I don't know if that was pronounced quite correctly.

The Chair (Mr. Grant Crack): I did the best I could. It's on paper. Those in favour?

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Niagara College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Niagara Escarpment Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Niagara Falls Bridge Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Niagara Parks Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Nipissing University board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Normal Farm Practices Protection Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Northern College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Defeated.

Subsection 1(1), paragraph 4 of the OHSA, Northern Ontario Heritage Fund Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Oak Ridges Moraine Foundation.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Motion defeated.

Subsection 1(1), paragraph 4 of the OHSA, Office for Victims of Crime.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Office of the Conflict of Interest Commissioner.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Office of the Employer Adviser.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Office of the Fairness Commissioner.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of OHSA, Office of the Independent Police Review Director.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Office of the Worker Adviser.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Advisory Committee on HIV/AIDS.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Agency for Health Protection and Promotion (Public Health Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Capital Growth Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Civilian Police Commission (Safety, Licensing Appeals and Standards Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Clean Water Agency.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario College of Art and Design University board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Economic Forecast Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Educational Communications Authority (TVO).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Electricity Financial Corp.

Ayes

Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Energy Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Farm Products Marketing Commission.

2010**Ayes**

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Film Review Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Financing Authority.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Food Terminal Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario French-language Educational Communications Authority.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Geographic Names Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Ontario Health Quality Council (Health Quality Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Heritage Trust.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Highway Transport Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Human Rights Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Ontario Immigrant Investor Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Infrastructure and Lands Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Investment and Trade Advisory Council (OITAC).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Judicial Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Labour Relations Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Library Service-North board. Those in favour?

Ayes

Hillier, Yurek.

The Chair (Mr. Grant Crack): Those opposed?

Ms. Ann Hoggarth: Same vote.

Mr. Randy Hillier: Do we already have a recorded vote?

Ms. Ann Hoggarth: Same vote—it's recorded.

The Chair (Mr. Grant Crack): We'll have to finish the vote. Those opposed on this one?

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Just for a point of clarification: If you're requesting the same vote, everyone needs to agree on that, and it has to be done before—

Ms. Ann Hoggarth: On this side?

Mr. Jeff Yurek: It's more than just your side.

The Chair (Mr. Grant Crack): The committee, unanimously, would have to agree to the same vote.

Mr. Randy Hillier: No.

The Chair (Mr. Grant Crack): Okay. We don't have consensus there, so we'll continue.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Lottery and Gaming Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Manufacturing Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Medal for Young Volunteers Advisory Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Media Development Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Mental Health Foundation.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Moose-Bear Allocation Advisory Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Mortgage and Housing Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Mortgage Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Motor Vehicle Industry Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Ontario Municipal Board (Environment and Land Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

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The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Northland transportation council. Those in favour?

Mr. Randy Hillier: Pardon me, Chair. It's "Commission."

The Chair (Mr. Grant Crack): Commission—Ontario Northland Transportation Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Parks Board of Directors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Parole Board (Safety, Licensing Appeals and Standards Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Place Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Police Arbitration Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Power Authority.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Power Generation Inc.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Public Service Employees' Union Pension Plan Board of Trustees.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Public Service Pension Board (Ontario Pension Board).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Racing Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Research Fund Advisory Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Review Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Securities Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Special Education (English) Tribunal (Social Justice Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Interjection: Chair, we're almost there.

The Chair (Mr. Grant Crack): Oh, there are lots of tricks, I'm sure.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Special Education (French) Tribunal (Social Justice Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Student Assistance Program Financial Eligibility Advisory Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Subsection 1(1), paragraph 4 of the OHSA, Ontario Teachers' Pension Plan Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ontario Tourism Marketing Partnership Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Ontario Trillium Foundation.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ottawa Convention Centre Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Ottawa Macdonald-Cartier International Airport Authority.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Motion defeated.
Subsection 1(1), paragraph 4 of the OHSA, Ottawa River Regulation Planning Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Owen Sound Transportation Co. Ltd.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Pay Equity Commission of Ontario-Pay Equity Hearings Tribunal.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Pay Equity Commission of Ontario-Pay Equity Office.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Pesticides Advisory Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Pharmacy Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Physician Payment Review Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Physician Payment Review Board.

Interjection: You did that one.

The Chair (Mr. Grant Crack): I did that one?

Interjection.

The Chair (Mr. Grant Crack): Didn't we just do the Pharmacy Council?

Interjection: If you guys cut down on these committees, we wouldn't have as many.

The Chair (Mr. Grant Crack): We didn't do the Pharmacy Council?

Mr. Randy Hillier: Yes, you did the Pharmacy Council.

The Chair (Mr. Grant Crack): What number are we at?

Mr. Jeff Yurek: You're on 304.

The Chair (Mr. Grant Crack): Oh, thank you very much.

Interjection: Let's start all over again.

The Chair (Mr. Grant Crack): Okay. So we'll go back.

Mr. Randy Hillier: I can't believe that you'd have trouble keeping track of this.

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The Chair (Mr. Grant Crack): Subsection 1(1), paragraph 4 of the OHSA, Physician Services Payment Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA the Post-secondary Education Quality Assessment Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Motion defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Premier's Council on Youth Opportunities.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Prevention Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Province of Ontario Council for the Arts (Ontario Arts Council).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Province of Ontario Medal for Firefighters Bravery Advisory Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Province of Ontario Medal for Good Citizenship Advisory Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Province of Ontario Medal for Police Bravery Advisory Council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Provincial Advisory Committee on Francophone Affairs.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Provincial Judges Pension Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Provincial Judges Remuneration Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Provincial Schools Authority.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Public Accountants Council for the Province of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Public Interest Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Public Service Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Public Service Grievance Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Rabies Advisory Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

Interjection.

The Chair (Mr. Grant Crack): We come from rural Ontario.

The motion is defeated.

Ms. Ann Hoggarth: We have rabies in Barrie.

The Chair (Mr. Grant Crack): Yes.

Subsection 1(1), paragraph 4 of the OHSA, Real Estate Council of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, retirement homes regulatory community.

Mr. Randy Hillier: Pardon me? Could you read that again for us?

The Chair (Mr. Grant Crack): Okay. Subsection 1(1), paragraph 4 of the OHSA, the Retirement Homes Regulatory Authority.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the review committee—

Mr. Jeff Yurek: Chiropody.

The Chair (Mr. Grant Crack): —the Chiropody Review Committee. Thank you, Mr. Yurek.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the review committee-Dentistry Review Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the review committee-Optometry Review Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Royal Botanical Gardens.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the Royal Ontario Museum.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Rural Economic Development Advisory Panel.

Interjection.

The Chair (Mr. Grant Crack): Is there another one?

Mr. Randy Hillier: Yes.

The Chair (Mr. Grant Crack): REDAP, the Rural Economic Development Advisory Panel.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Ryerson University board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Sault College of Applied Arts and Technology.

Interjection.

The Chair (Mr. Grant Crack): The board of governors. The Sault College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

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The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Science North centre.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Seneca College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Motion defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Sheridan College Institute of Technology and Advanced Learning board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Sir Sandford Fleming College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Small Business Agency of Ontario (SBAO).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Social Benefits Tribunal (Social Justice Tribunals Ontario).

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Soldiers' Aid Commission.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Source Protection Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Southern Ontario Library Service Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Species at Risk Program Advisory Committee.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, St. Clair College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, the St. Lawrence College of Applied Arts and Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the St. Lawrence Parks Commission—my neck of the woods.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Motion defeated.

Subsection 1(1), paragraph 4 of the OHSA, the St. Lawrence Seaway Management Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, the Tarion Warranty Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Technical Standards and Safety Authority.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Thunder Bay International Airports Authority Inc.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Toronto Islands Residential Community Trust Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the OHSA, Toronto Waterfront Revitalization Corp.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Training Completion Assurance Fund Advisory Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Transitional Council of the College of Homeopaths of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Transitional Council of the College of Naturopaths of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Mr. Randy Hillier: A point of order, Chair.

The Chair (Mr. Grant Crack): Mr. Hillier.

Mr. Randy Hillier: I've just been recognizing, understanding, seeing, that reading these things into the record, we haven't been referring to what schedule they are. I wonder if that calls into question the process that we've been following without having knowledge of what schedule these amendments apply to.

The Chair (Mr. Grant Crack): Thank you for the point of order. I think all members have copies. It's clearly stated that it's schedule 4, subsection 1(1), that we've been dealing with. Thank you for bringing that to my attention. I will include "schedule 4" from here on in at the beginning.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, Transitional Council of the College of Psychotherapists and Registered Mental Health Therapists of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

The next one is schedule 4, section 1, subsection (1), paragraph 4 of the OHSA, Travel Industry Council of Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, section 1, subsection (1), paragraph 4 of the OHSA, Trillium Gift of Life Network.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

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The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, University of Guelph board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the University of Ontario Institute of Technology board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, University of Ottawa board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, University of Toronto governing council.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the University of Waterloo board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, University of Western Ontario board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, University of Windsor board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, Walkerton Clean Water Centre.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Defeated.

Schedule 4, section 1—sorry?

Interjection.

The Chair (Mr. Grant Crack): Defeated. Motion defeated.

Schedule 4, section 1, subsection 1(1), paragraph 4 of the Occupational Health and Safety Act, Waste Diversion Ontario.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, Wilfrid Laurier University board of governors.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Workplace Safety and Insurance Appeals Tribunal.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1), paragraph 4 of the OHSA, the Workplace Safety and Insurance Board.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Okay, members of the committee, we're going to be moving on to a different aspect of the amendments. I will read a couple into the record so that we're well aware of what those amendments are, and then we'll just continue back. I'll do the first one.

We have a PC amendment on page 368, and it's deemed moved that paragraph 5 of the definition of "worker" in subsection 1(1) of the Occupational Health and Safety Act, as set out in section 1 of schedule 4 to the bill, be struck out and the following substituted:

"5. Such other persons as may be prescribed who perform work or supply services to an employer, including the Ministry of Aboriginal Affairs, for no monetary compensation; ('travailleur')"

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

PC page 369, it is deemed to be moved that paragraph 5 of the definition of "worker" in subsection 1(1) of the Occupational Health and Safety Act, as set out in section 1 of schedule 4 to the bill, be struck out and the following substituted:

"5. Such other persons as may be prescribed who perform work or supply services to an employer, including the Ministry of Agriculture, Food and Rural Affairs, for no monetary compensation; ('travailleur')"

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We'll continue; I think we've got the gist of the motions for us and the amendments so we'll go to the PC motion on page 370.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of the Attorney General.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Children and Youth Services.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Citizenship, Immigration and International Trade.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Community and Social Services.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Community Safety and Correctional Services.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Economic Development, Employment and Infrastructure.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Education.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

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Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Energy.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Environment and Climate change.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Finance.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, ministry of franco-phone affairs—des affaires francophones.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Government and Consumer Services.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Health and Long-Term Care.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Inter-governmental Affairs.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Labour.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Municipal Affairs and Housing.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Natural Resources and Forestry.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Northern Development and Mines.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Pan/Parapan American Games Secretariat.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Research and Innovation.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Seniors' Secretariat.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Tourism, Culture and Sport.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Training, Colleges and Universities.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Ministry of Transportation.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5, Treasury Board Secretariat.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 4, subsection 1(1) of the Occupational Health and Safety Act, paragraph 5 Women's Directorate.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 4, section 1 carry?

Ms. Ann Hoggarth: We'd like to withdraw that, please—396.

The Chair (Mr. Grant Crack): No, we're dealing with the schedule.

We're going to continue. Shall schedule 4, section 1 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): Schedule 4, section 1 is carried.

Shall schedule 4, section 2 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): Schedule 4, section 2 carries.

Shall schedule 4 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): Schedule 4 is carried. We have a government amendment: 396, to schedule 5, section 1.

Ms. Ann Hoggarth: We'd like to withdraw that, please.

The Chair (Mr. Grant Crack): Okay, so it is withdrawn. I respect that. There will be no changes.

Shall schedule 5, section 1 carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): Opposed?

Schedule 5, section 1 is carried.

We'll move to schedule 5, section 2: number 397 in your package.

2110

It is deemed moved that subsection 83(8) of the Workplace Safety and Insurance Act, as set out in schedule 5 of section 2 to the bill, be struck out and the following substituted:

"Failure to comply

"(8) An employer, including the Ministry of Aboriginal Affairs, who fails to comply with subsections (6), (7) or (9) shall pay the prescribed amount to the board."

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We will do the next one. Just to ensure that all members of the committee know, all the next, up to 423, are similar. We'll make sure that the committee fully understands the impact that these potential amendments make to the bill.

We'll move to PC amendment 398. It's deemed moved that subsection 83(8) of the Workplace Safety and Insurance Act, as set out in schedule 5 of section 2 to the bill, be struck out and the following substituted:

"Failure to comply

"(8) An employer, including the Ministry of Agriculture, Food and Rural Affairs, who fails to comply with subsection (6), (7) or (9) shall pay the prescribed amount to the board."

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

PC motion on page 399: schedule 5, section 2, subsection 83(8) of the Workplace Safety and Insurance Act, Ministry of the Attorney General.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the Workplace Safety and Insurance Act, Ministry of Children and Youth Services.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the Workplace Safety and Insurance Act, Ministry of Citizenship, Immigration and International Trade.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the Workplace Safety and Insurance Act, Ministry of Community and Social Services.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Community Safety and Correctional Services.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Economic Development, Employment and Infrastructure.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Education.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Energy.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of the Environment and Climate Change.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Finance.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, ministry of francophone affairs.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Government and Consumer Services.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Health and Long-Term Care.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Intergovernmental Affairs.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Labour.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the Workplace Safety and Insurance Act, Ministry of Municipal Affairs and Housing.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Natural Resources and Forestry.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Northern Development and Mines.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Pan/Parapan American Games Secretariat.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Research and Innovation.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Seniors' Secretariat.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Tourism, Culture and Sport.

2120

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Training, Colleges and Universities.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 2, subsection 83(8) of the WSIA, Ministry of Transportation.

Ayes

Hillier, Yurek.

Nays

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is defeated.

We have schedule 5, section 2, subsection 83(4) to (9) of the WSIA. It's a government amendment, and I'm going to read the government amendment.

It is deemed moved that subsections 83(4) to (9) of the act, as set out in section 2 of schedule 5 to the bill, be struck out and the following substituted:

"Regulations re temporary help workers

"(4) The Lieutenant Governor in Council may make regulations,

"(a) defining a temporary help agency for the purposes of this section;

"(b) requiring that, despite section 72, if a temporary help agency lends or hires out the services of a worker to another employer who participates in a program established under subsection (1) and the worker sustains an injury while performing work for the other employer, the board,

"(i) deem the total wages that are paid in the current year to the worker by the temporary help agency for work performed for the other employer to be paid by the other employer,

"(ii) attribute the injury and the accident costs arising from the injury to the other employer,

"(iii) increase or decrease the amount of the other employer's premiums based upon the frequency of work injuries or the accident costs or both, and

"(iv) deem the other employer to be an employer for the purposes of sections 58 and 59 in such circumstances as may be prescribed;

"(c) prescribing circumstances for the purposes of subclause (b)(iv);

"(d) requiring that, if a temporary help agency lends or hires out the services of a worker to another employer who participates in a program established under subsection (1) and the worker sustains an injury while performing work for the other employer, the other employer notify the board of the injury;

"(e) for the purposes of a notice required by a regulation made under clause (d), governing the notice, including prescribing the manner in which notice of an injury is to be given, the period of time within which notice is to be given and the parties to whom copies of the notice must be given; and

"(f) prescribing penalties for failure to comply with requirements prescribed under clauses (d) and (e)."

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 5, section 2, as amended, carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): The motion is carried. Schedule 5, section 3—

Interjection.

The Chair (Mr. Grant Crack): Okay. I thought of that.

Section 5, section 2, as amended, is carried.

There are no amendments to schedule 5, section 3. Shall schedule 5, section 3, carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): The motion is carried. Schedule 5, section 3, is carried.

Shall schedule 5 carry, as amended?

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): None opposed. Schedule 5 is carried, as amended.

Shall the title of the bill carry?

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): None opposed. The title of the bill is carried.

Shall Bill 18 carry, as amended?

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry.

The Chair (Mr. Grant Crack): None opposed. Bill 18 is carried.

Shall this Chair report the bill to the House as amended?

Ayes

Colle, Dickson, Hoggarth, Kiwala, McGarry, Natyshak.

Nays

Hillier, Yurek.

The Chair (Mr. Grant Crack): I shall report the bill to the House, carried, as amended.

I think we all owe a great hand to Sylwia for getting all the names right.

Applause.

The Chair (Mr. Grant Crack): And also to the Chair—just kidding.

I think you all did a great job this evening. I thank you very much. There is no further business to conduct this evening on Bill 18. Thank you for your hard work. This meeting is adjourned until Wednesday at 1 p.m.

The committee adjourned at 2127.

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Legislative Assembly of Ontario

First Session, 41st Parliament

Official Report of Debates (Hansard)

Wednesday 5 November 2014

Standing Committee on General Government

Fighting Fraud
and Reducing Automobile
Insurance Rates Act, 2014

Chair: Grant Crack
Clerk: Sylwia Przedziecki

Assemblée législative de l'Ontario

Première session, 41^e législature

Journal des débats (Hansard)

Mercredi 5 novembre 2014

Comité permanent des affaires gouvernementales

Loi de 2014 de lutte contre
la fraude et de réduction
des taux d'assurance-automobile

Président : Grant Crack
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 5 November 2014

Mercredi 5 novembre 2014

*The committee met at 1304 in committee room 2.*FIGHTING FRAUD
AND REDUCING AUTOMOBILE
INSURANCE RATES ACT, 2014
LOI DE 2014 DE LUTTE CONTRE
LA FRAUDE ET DE RÉDUCTION
DES TAUX D'ASSURANCE-AUTOMOBILE

Consideration of the following bill:

Bill 15, An Act to amend various statutes in the interest of reducing insurance fraud, enhancing tow and storage service and providing for other matters regarding vehicles and highways / Projet de loi 15, Loi visant à modifier diverses lois dans le but de réduire la fraude à l'assurance, d'améliorer les services de remorquage et d'entreposage et de traiter d'autres questions touchant aux véhicules et aux voies publiques.

The Chair (Mr. Grant Crack): I'd like to call the Standing Committee on General Government to order. I'd like to welcome all members of the committee and stakeholders who are here before us. Today we're going to be dealing with the public hearings regarding Bill 15, An Act to amend various statutes in the interest of reducing insurance fraud, enhancing tow and storage service and providing for other matters regarding vehicles and highways.

The format that we will use today will be a five-minute presentation from the presenter, followed by three minutes each from each of the three recognized parties of questioning and/or comments. We will begin with the official opposition, then the third party and then the government. That will be the first rotation, and I will mix things up after that.

ONTARIO TRIAL LAWYERS ASSOCIATION

The Chair (Mr. Grant Crack): It is my pleasure to welcome the Ontario Trial Lawyers Association. I'll let you introduce yourself in order to save some time. So, welcome. You have five minutes for your presentation.

Mr. Steve Rastin: Thank you, Mr. Crack. My name is Steve Rastin. I'm president of the Ontario Trial Lawyers Association. With me today are Claire Wilkinson from my board of directors and John Karapita, my director of government relations. We would like to thank you for the

opportunity to speak today and we would like to congratulate all of you on your recent election wins.

With respect to this legislation, we want to make a few simple points.

We, as OTLA, as trial lawyers, represent accident victims throughout the province of Ontario. We are the voice here today for those accident victims. We support the goals of this legislation. We believe that every dollar paid to fraud and stolen away from legitimate accident victims and from reasonable insurer profits is a dollar that needs to be accounted for in the system. We support and pledge our support for any anti-fraud initiatives going forward and we generally like the legislation.

We would, however, like to submit to this group that there are two serious problems, and we strongly urge you to reconsider those problems with the proposed legislation to benefit accident victims and in the name of fairness.

The first is the right to sue. In this legislation, the right of an accident victim to sue his or her insurance company for non-payment of benefits is being taken away. Prior to 1990, we had a one-payer system: He hits me, I sue him, and the person who's at fault sues for the benefits. Today, after no-fault has been introduced, we have a two-payer system: You get some benefits from your own insurer and some benefits from the other side. Every dollar paid by the AB is deductible from the tort side.

For reasons I don't have time to get into today, it is very, very hard to settle one piece of this puzzle without the other. These are like two hands joined together or like two oars in a rowboat. They have to be dealt with together.

The thing to remember is that in most of these cases there is already a tort action going. So the question is not whether we should proceed by way of a tort action in the courts or by way of an arbitration at the LAT. The question that we need to deal with is whether we should have one hearing or two hearings, because we already have a lawsuit going.

Justice Cunningham argued that tribunals have the expertise to deal with this issue, and he's correct, but the difference in this system is that we already have a Superior Court action anyway. We're already dealing with these issues, and we're going to have a duplication of efforts. The same arguments are going to be made at two different places, the same experts are going to be called, the same doctors are going to be called and the

same witnesses are going to be called. We're going to move from having one hearing to have two hearings. This is going to be more expensive, less efficient, and is going to make it more difficult for accident victims to get a cost-effective solution to their problems.

It's also worth pointing out that the lawyers who represent the insurance industry—you're going to hear from them today. The Canadian Defence Lawyers and the Advocates' Society agree with us that there are fundamental problems with respect to proceeding along these bases, from a systemic point of view.

The second point I want to turn to is the interest rate deduction. The legislation proposes that interest rates for pain and suffering be reduced from their current level of 5% to 1.3%. We ask why. Justice Cunningham didn't talk about that in his report. This legislation is supposed to deal with accident benefits. Why is it changing the rate with respect to tort actions? It's not in the report anywhere. We support the concept of profitability for insurance companies within reasonable bounds, but we do not believe that further cuts should be made on the backs of accident victims. Why is it right to reduce the interest rate from 5% to 1.3%?

Some individuals would say, "Well, who's getting 5% on their money today? It's a boon to the accident victim." I guess the answer we would have to that is this: The insurance companies' own data says that they are making 3% to 4% or more per year, if you look at the data on the money they're investing. That money is not their money; that money is the accident victims' money. If you're making 4% on your money but you're paying out at 1.3%, we would argue that that's a disincentive to settle.

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The other thing that we would point out is that FSCO—as long as FSCO continues to exist—FSCO rules today say that you are allowed to put an 11% profitability analysis into your rate number. If 11% is fine for the industry, why are we asking accident victims to take 1.3%?

I thank you for your time at about four minutes and 58 seconds.

The Chair (Mr. Grant Crack): You did marvelously. Thank you very much.

Mr. Barrett, are you going to—

Mr. Toby Barrett: Yes. Thank you, Chair.

You mentioned that you wrapped it up in four minutes and 58 seconds. I have actually never seen anyone at the witness table with only five minutes to present.

I know you made mention earlier on: "For reasons I don't have time to get into today." I'd like to hand my time back to you, if you would like to take another—what would it be, another three minutes?

The Chair (Mr. Grant Crack): About two and a half, yes.

Mr. Toby Barrett: Sure.

Mr. Steve Rastin: Sure. I'm going to spend about two minutes talking about it.

The thing to remember is that we have a system where you get income loss from the person who hits you and

you get income loss from your own insurance company. It's called an income replacement benefit. You get medical rehabilitation benefits from your own insurance company and you get medical rehabilitation benefits from the person who hit you.

There is a constant overlap of the benefits, so as accident victim representatives, we have to go to two different places to get paid. What do we do right now in these cases? We bring the two actions together. We have both insurance companies inside the same lawsuit, we have the same doctors present evidence once and we deal with it together as a group. If I act for you, sir, and you're in an accident, and I settle your accident benefits case and I settle for too much, the insurance company is going to say, "Well, you got all your money from your own accident benefits company. We don't want to pay you for anything." If I settle for too little, the insurance company is going to say, "Well, you settled the case for too little money. It must not be a big case, and we don't want to pay you."

So for tactical reasons, it is very difficult for us to settle one piece without the other. Like I said, it's like having a rowboat with one oar. The insurance lawyers are going to tell you it's difficult from their perspective, too. The question is, can we settle the cases separately? Yes, we can, but it's a lot harder. Right now we have one proceeding, and under the proposed legislation that you're looking at, we're going to have to start two separate lawsuits. We cannot understand how that is going to save the industry money and we cannot understand how it's going to save us money.

Mr. Toby Barrett: Thank you.

The Chair (Mr. Grant Crack): Thank you. We'll move to the government side: Mr. Colle.

Mr. Mike Colle: Thank you very much. It was a very insightful presentation, really, considering the time restraint. I think you made your points very clear and forceful.

I've gone through this with Justice Coulter Osborne. Now I've got Justice Cunningham. Some of these same arguments that you're making today have been brought to our attention over and over again. And I respect your opinion on the prejudgment interest. That is a contentious issue; I certainly agree with you on that.

I guess what I'm asking you is, in general, if this bill gets passed and goes forward and it reduces—and we know we're never going to reduce everything, all the fraud and all the manipulators in the insurance industries—will it make it more reasonable for your clients, the accident victims, to get perhaps a speedier, fairer judgment or treatment than they are right now when they have to go through so many hoops imposed by government or imposed by insurance companies? Will it generally at least bring down some of the level of confrontation and abuse that is in the system?

Mr. Steve Rastin: I'm going to make these comments. First of all, I think if you were to ask Justice Cunningham or Justice Osborne whether they agreed with some of our positions, they would be very supportive.

Justice Cunningham has said to us—and you'll hear from the defence lawyer who is going to speak later—that he actually supports putting exemptions like we're talking about in the legislation.

In terms of cutting down the cost, the fact of the matter is that the insurers today are spending 60 to 70 cents doing assessments for every dollar they pay to our clients in benefits. I'm not sure that this legislation is going to change that. I don't know why it's permissible or why it's a good idea to spend as much money fighting a claim as it is paying a claim.

With respect to the efficiency argument, I cannot see—anybody who owns a house and a cottage knows that two cost more than one. This legislation is going to move from having two matters tied together to having two matters separate. That's going to cost more money.

Having said that, we support a lot of what Justice Cunningham is doing in this legislation. We think there are a lot of good ideas out there. We're only raising two concerns. The vast majority of the legislation we support—the ideas we support. We would like to be partners with the government in battling fraud because we think there may be problems out there and we want to be part of the solution for that.

So there is some good in the legislation—in smaller issues, like smaller treatment issues, like who's going to pay for a mattress or whether it's going to be paid or not. The legislation's got a lot of pluses on that side of the equation, and we support it, but these other pieces that are missing we just don't think we can lose in the interim.

Mr. Mike Colle: Yes, and I couldn't agree with you more. This battle of assessors makes a very lucrative living for the assessors assessing the assessors assessing the assessors. We try to do it by dealing with the DACs, which are in the assessment business, and it seems the assessors have crept back into it. That's one area where I totally agree with you: We have to eliminate all these so-called medical professionals who are making big money in insurance out of assessing the assessor of the assessors.

The other thing I want to just ask you about is in terms of accident claims. As you know, compared to Alberta, the average claim for an accident in Ontario is way out of whack to an average claim in Alberta, for instance. I can't remember the exact numbers. Do you have any thoughts on why that's the case?

The Chair (Mr. Grant Crack): Quickly. Final response.

Mr. Steve Rastin: Sure, and I'll be quick. I think we need to do some further research into that. Let me say this: In 2010, coverage for 73% of claimants in Ontario was reduced from \$100,000 to \$3,500. How we can be spending some 20-thousand-odd dollars per claimant when most people are getting \$3,500 in medical coverage is something that we, frankly, don't understand. People today think they're covered. They have auto insurance and they think they're covered. Then they get in an accident; they get no medical treatment. The treatment's

been delisted from OHIP now. They don't get enough money to pay their mortgage and they lose their house. That money is going somewhere, but it's not going to the accident victims.

The Chair (Mr. Grant Crack): Okay. Thank you very much for coming forward. We really appreciate your insight and comments. Thank you very much.

Mr. Steve Rastin: Thank you for your time.

The Chair (Mr. Grant Crack): Thank you.

INSURANCE BUREAU OF CANADA

The Chair (Mr. Grant Crack): We have the Insurance Bureau of Canada coming forward. I shall again let all delegations introduce themselves. We welcome you to the committee this afternoon.

Mr. Ralph Palumbo: Thank you. Good afternoon. My name is Ralph Palumbo, and I'm the Ontario vice-president of the Insurance Bureau of Canada. With me today, on my left, is Ryan Stein, IBC's director of policy, and on my right, Peter Karageorgos, who's our director of consumer and industry relations.

I want to say thanks for having us here today and for this opportunity to present to the committee on Bill 15. I think it's fair to say that Bill 15 is an attempt to appropriately reduce unnecessary costs when it's right to do so, with the ultimate objective always of reducing premiums. An important element of the bill's objective is to reduce fraud and abuse, and that arises out of the recommendations of the anti-fraud task force. In that regard, the bill amends the Repair and Storage Liens Act to reduce unreasonable storage costs for vehicles damaged in motor vehicle collisions.

Equally important, the bill deals with a broken-down, ineffective, inefficient process for resolving disputes: the FSCO mediation arbitration system. That system was originally designed to provide a low-cost, effective way to resolve accident benefit disputes. It was supposed to be, frankly, an alternative to the courts—a quick and effective alternative, but that can't happen today because the system is dysfunctional.

We support the removal of the jurisdiction from the Financial Services Commission of Ontario to a new body with a new mandate: the Licence Appeal Tribunal, under the auspices of the Ministry of Attorney General. What's important here is that tribunal members would be appointed by order in council, which means there would be accountability and tenure under a fixed, renewable term. It's also important to remember—because I think there's some confusion about this—that that system would be funded by assessments against insurance companies. So there's no new cost to taxpayers—and that's found in section 282(1) of the bill.

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I'm sorry. I'm rushing because I only have a few minutes.

On prejudgment interest, all the bill does, frankly, is align prejudgment interest that's paid on pecuniary damages—that is, economic damages—which is at 1.3%,

with the rate that's paid on non-pecuniary damages for pain and suffering, which is now at 5%. The idea here, I think, is that whatever the interest rate is, it should reflect the cost of money so that the claimant receives the full value of the award that that person would have received on the day that that person filed the notice of claim. That 5% was set in 1989, when we know that interest rates were in excess of 12%. That just isn't the case today.

I know that there was some concern—and it was expressed—that if we lower the interest rate, insurance companies are simply going to take that money, save money, drag it on, save money, invest and make money. Actually there just isn't any incentive to do that. Insurers don't want claim files open. They don't make money by delaying litigation proceedings. They lose it through protracted legal proceedings that involve all kinds of legal and administrative expenses. It's almost always in the interest of insurance companies to settle merit-based claims quickly.

One last issue that I'd like to deal with is the issue of the courts. First of all, it's not required that you start two actions. You have the new tribunal process. That's quick. It gets you quick justice. That's the point of it. Frankly, I think there was an exaggerated claim about the number of claims that actually get to court. I'm not sure that OTLA is correct on that. But never mind listening to me; why don't we just listen to what Justice Cunningham said? What he said was, "I do not accept the argument that denying access to the courts would deny individuals access to justice. The ... model outlined in the interim report would provide dispute resolution services that will be more timely and cost-effective than the courts. No one suggested that parties have better outcomes respecting SABS disputes through the courts."

I know that there are some other parties who have come forward to talk a little bit about what they see as the problems with retaining any kind of court action at first instance for SABS.

I just want to conclude by saying that the public needs Bill 15. They need it passed so that regulations can be made that can revitalize a lot of the important aspects of the auto insurance system. We're asking that this committee refer the bill to the Legislature for third reading, and then it needs to be passed there.

With that, we're happy to answer any questions.

The Chair (Mr. Grant Crack): Thank you, Mr. Palumbo.

We'll start with the government: Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon. Thank you for your presentation. I'd just like to know: Since there should be savings here, is the Insurance Bureau of Canada willing to pass those savings on to the people who pay the premiums?

Mr. Ralph Palumbo: First of all, we're the trade association for insurance companies. So if the question is whether insurance companies, if they find savings, will pass on those savings to their policyholders—premiums are based on costs. It's as simple and as difficult as that. If the cost of claims goes down, then premiums go down. It's really—

Ms. Ann Hoggarth: And you believe they will go down?

Mr. Ralph Palumbo: Once this bill is passed—and let's not forget that these aren't the only issues in the auto product business that are problematic. The government is looking at other issues as well. Once that's in place, it will take some time for those changes to get through the system to bring down those costs and allow premiums to go down.

We should also remember that, in the past year, rates have come down—obviously not for everybody. That's not going to happen, but you know that the government has committed to 15%. They're not there yet—but at least 6% over the market. If you look at individual companies, so many of them—for example, one company took a rate decrease of 14%; another one, 8%; another one, 6%. So I think it behooves everyone in the system to shop around. You will see that rates have come down—again, not for everyone, but they have.

Ms. Ann Hoggarth: Thank you very much.

The Chair (Mr. Grant Crack): Mr. Colle.

Mr. Mike Colle: Just briefly, I'm just going to ask you the same question. You represent insurance companies that operate in all provinces?

Mr. Ralph Palumbo: Yes.

Mr. Mike Colle: Have you come to any kind of conclusion on why an accident benefit claim in Ontario is so much higher than an accident benefit anywhere else in Canada—public, private, mixed?

Mr. Ralph Palumbo: Sure. I will defer to Ryan.

Mr. Ryan Stein: Speaking with insurers in the different markets and studying the data, there just seem to be more disputes in certain areas of Ontario. We believe with the way the legislation and regulations are structured, there are more loopholes in them, and there are more opportunities to take advantage of them. It's not like it has built up over the last couple of years; this is something that has been building probably since the early 1990s. It has taken that long to get to this point; whereas in the other jurisdictions, I would say the rules are clearer, and all stakeholders know, "This is the type of injury. Here's the type of benefit you get." That's not to say that there are no disputes there, but there are just less. When there are less disputes, there's less assessments, there's less legal fees—

Mr. Mike Colle: Is there less fraud in Alberta and other provinces? I know you had this national task force. Is the fraud level much higher here in Ontario, or about the same?

Mr. Ryan Stein: It's much higher, and it has historically been much higher in certain pockets of Ontario, yes, than in the other jurisdictions. There just don't seem to be those types of problems.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate that.

We'll move to the official opposition. Mr. Barrett.

Mr. Toby Barrett: Thank you for the presentation. I'll keep my question short because you only had five minutes to make your deputation.

You made reference to the towing industry. In my experience, by and large, the tow truck operators and the garages are reputable, and they provide an efficient service and an honest service, certainly down my way. However, we do know about what goes on on the 401 and the QEW. It's known as the Somali coast: The pirates sit there, and they patrol. You make reference yourself in your brief to fraudulent activity, organized crime and referral to storage, repair, health care clinics and legal service providers. Obviously, that has an impact in the end on our insurance rates.

I wonder if you could just expand on that a little bit more in that context. I feel that the towing industry is being tarred with a brush because of a few of the ugly ones in the business.

Mr. Pete Karageorgos: I think part of the challenge that the towing industry has is the fact that the regulations are not there, and in those places where they are there, in certain municipalities with bylaws, they're not enforced. We've conducted a study with Ernst and Young that showed that in municipalities—specifically, when we looked at Brampton and Vaughan, which have set rates for tows, the average costs or payouts are still well above what those set rates are. The problem is there is no oversight and no protection for consumers.

Mr. Toby Barrett: The bill actually advocates disclosing rates, conflict of interest, written authorization before towing, but there's more than that in the legislation. From what I understand, it would require driver certification, training for drivers. There are penalties in here as well.

In many of the small garages, the fellow has a tow truck that sits there most of the time, and he uses it to haul his own vehicle, or maybe his son will pick up a vehicle. Any comment on that? Is that going to help insurance rates if we have to tar everybody with the same brush, and everybody has to be certified or get the training to turn the key in the tow truck?

Mr. Pete Karageorgos: From the consumers' perspective, it makes sense that you know that the individual who you're dealing with is properly trained and accountable to someone, so it may provide some comfort there.

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Overall, when you're looking at some of the practices that insurance companies have experienced with towers directing individuals to specific shops, rehab clinics and a whole host of things that seem to be beyond the scope of towing, that is one of the problems that drives up the costs that we're seeing in terms of insurance. For the small operators, just as we've identified the fact that fraud is not prevalent across the whole province—there are certain pockets—it's the same type of thing in terms of those who are reputable.

In many places, those individuals operating those tow trucks are very reputable; in other situations—and part of it is the chasing mentality. You highlighted the highways, and that's a problem that has to be fixed, because it's first-come, first-served. Everyone is racing to the scene in the hopes that they will hit the jackpot. So there needs

to be some thought given to how you fix the system overall for the safety of the motoring public, but as well in terms of the costs and to minimize the impact on people's wallets.

Mr. Toby Barrett: Maybe this—

The Chair (Mr. Grant Crack): Okay. Thank you very much. I really appreciate it.

Mr. Toby Barrett: Okay, thank you.

The Chair (Mr. Grant Crack): I wish we had more time, but I have to follow the strict agenda.

So thank you very much, Insurance Bureau of Canada, for coming forward. It's much appreciated.

Mr. Pete Karageorgos: Thank you.

AVIVA CANADA

The Chair (Mr. Grant Crack): We also have with us this afternoon Aviva Canada. Welcome. Are you alone this afternoon, Ms. Ots?

Ms. Karen Ots: I am. I am alone.

The Chair (Mr. Grant Crack): Okay. Well, thank you very much for coming. The floor is yours. You have five minutes.

Ms. Karen Ots: Thank you. I'm Karen Ots. I'm the senior vice-president of regulatory and government relations for Aviva Canada. Thank you for the opportunity to speak to you today about auto insurance and Bill 15.

Aviva Canada agrees that premiums in Ontario are too high. That was a view shared by 96% of our customers. The government of Ontario has committed to reduce rates by an average of 15% by August 2015.

In January of this year, Aviva was ordered by FSCO to take an 8% rate reduction. Our actuarial department felt that a 2% reduction was justified, but nonetheless we took the 8% reduction. However, now we need some cost reductions in order to make the 8% reduction justifiable, and also to get to the 15%. Without significant cost reductions, we simply won't get to a 15% reduction target.

Bill 15 is a step in the right direction, but we need much more. The reduction of the prejudgment interest rate will produce savings. The rest of the bill will not produce immediate savings, but it will lay the groundwork for future savings. We anticipate that today you will hear many reasons why there should be amendments to Bill 15; we urge you to pass Bill 15 as it is tabled, and then let's get on with looking for more significant reforms.

Let me address prejudgment interest for a moment. We estimate that reducing the prejudgment interest rate will generate savings that will justify a 1% premium reduction. It's been suggested that lowering the interest rate will cause insurers to delay settlements. I suppose the opposite argument can be made today—that a 5% interest rate incentivizes plaintiffs not to settle. I don't know that that's the case; I suspect it's not. I can tell you that reducing the interest rate certainly will not delay settlements on our behalf.

If you turn to the second-last page of our submission, you'll see that I've given you some stats on where we

invest our money. Aviva has close to \$860 million invested in government of Ontario and municipal bonds. These are not high-yield bonds. PJI is out of step with the current market and needs to be reduced.

In addition to PJI, however, Bill 15 will also start the transformation of the dispute resolution system by moving dispute resolution out of FSCO and to the Attorney General. Bill 15 will also start the implementation of Justice Cunningham's recommendations. When those recommendations are implemented, there will be cost savings.

It's important to put the legal disputes into perspective. I want to make it clear that neither the defence lawyers nor the plaintiff lawyers speak on behalf of Aviva Canada, or probably any of our other companion insurance companies. Legal expenses are a huge cost driver and they benefit very few people. In 2013, Aviva paid \$44 million to its own lawyers to handle claims in dispute—that means either in litigation in the court system or in dispute through the FSCO DRS system. That is less than 0.1% of all of our customers. We have 570,000 customers. Only 0.1% of customers have disputes that generate \$44 million just on our payment. That's leaving out the costs that are generated by the plaintiff—so lawyers and experts.

The legal profession will urge you to allow court access to some AB claimants. Don't do it. Exceptions add costs. We're one of the parties to the disputes. We don't mind being in two venues, because one of the venues, the FSCO DRS system, with all of its flaws right now, is still much quicker and cheaper than the Ontario court system. It costs us right now at least five times more to take a dispute through the Ontario court system than it does through the FSCO DRS system, and that differential should get even bigger once Justice Cunningham's recommendations are implemented.

Lastly, let me turn now to towing and storage: 33% of our claims costs are paid for cars—to fix cars, to tow cars, to repair them, for rentals and to store them. For our customers, this should be a really simple process: get your car fixed and get back on with your life. Often, however, the process is stressful, complicated and dragged out. In our submission we've listed a number of the common issues that we have to deal with on behalf of our customers. We've also included two emails from our customers that outline their experiences. There is no question that there are many reputable tow operators, repair shops and storage facilities, but there are also a few bad apples that are making this a really bad experience for everybody. Bill 15 will start to address these abuses and provide enhanced consumer protection. In our view, these reforms are long overdue.

In conclusion, we need Bill 15 to be passed, and then we need to get on to bigger cost reductions. Aviva has many ideas on how we can achieve cost reductions, and we'd be happy to share those with the committee. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. I appreciate it.

Ms. Karen Ots: I wasn't making eye contact with you on purpose.

The Chair (Mr. Grant Crack): We'll move to the official opposition. Ms. Thompson.

Ms. Lisa M. Thompson: Thank you very much. Actually, I'm curious. In your last statement, you mentioned you'd be happy to share ideas with regard to cost reductions. Could you expand on that, please?

Ms. Karen Ots: Sure. There are a number of issues that we need to deal with. I think one of them has already been talked about, which is the cost of assessments. We spend a tremendous amount of time disputing what is reasonable and necessary treatment. In this day of medical science, it should be fairly clear how to treat a broken bone or how to treat a sprain or a strain. I think if we were to move the system towards more programs of care, that would take a huge amount of savings out.

If we look at trying to bring the Ontario product in line with some of the other provinces, where the other provinces have brought down costs, they've imposed some stricter timelines. For example, we pay out medical rehab benefits up to \$50,000. Currently, it's a 10-year period. In Alberta, you only get two years of med rehab benefits. In the Atlantic, it's four years. So if we were to reduce that, it brings out certainty and it also brings down costs.

Ms. Lisa M. Thompson: Thank you.

The Chair (Mr. Grant Crack): Thank you, Ms. Thompson.

We'll move to the government. Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon. Thank you for your presentation and your graph here. I like it when there's a graph.

My concern is, if we are able to cut down on fraud and make savings, that those savings are passed on to the people who pay the premiums. I'm hoping that you will tell us whether that will happen.

Ms. Karen Ots: Absolutely. Our rates are regulated. We have to pass our rates through FSCO, our regulator. I don't want to speak for FSCO about how they look at our rates, but one of the things that they consider is the cost of the claims. That's a big driver of rates right now. The cost of claims comes down, rates should come down.

Ms. Ann Hoggarth: Should come down, not "will come down"?

Ms. Karen Ots: Well, they should.

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Ms. Ann Hoggarth: Okay. Thank you.

Ms. Karen Ots: We'd love to bring rates down. We've introduced—and I think so have a number of the other companies—different ways to try to get rates down. Usage-based insurance is one way, which tracks your insurance based on how you drive, not what the median population may do in terms of claims costs.

Ms. Ann Hoggarth: Thank you very much.

Ms. Karen Ots: You're welcome.

Mr. Mike Colle: Thank you—

The Chair (Mr. Grant Crack): Mr. Colle.

Mr. Mike Colle: You have clients in Alberta, too, and other provinces?

Ms. Karen Ots: Yes.

Mr. Mike Colle: I was just looking at the graph from the accident benefits claims cost per insured vehicle out of the insurance fraud task force report. I'm just wondering, how do you at Aviva account for this difference? The average cost benefit claim for an insured vehicle in Ontario is about \$313; in Alberta, it's \$40; in New Brunswick, \$61; \$53 in Nova Scotia; \$53 in Newfoundland; and PEI, \$35. So how can we go from 35 bucks up to \$313?

Ms. Karen Ots: We need to look at the product. The accident benefit product in Ontario is head and shoulders the richest accident benefit product that you'll find in the country, if not North America. The other jurisdictions, for example, don't have coverage for catastrophic impairment. Ontario has a fairly lucrative catastrophic impairment cover. That adds a tremendous amount of costs.

There are some other differences—

Mr. Mike Colle: Alberta doesn't have the catastrophic impairment?

Ms. Karen Ots: No. Alberta limits medical rehab expenses to \$50,000 or two years. In Ontario, it's \$50,000 or 10 years. Alberta limits income replacement benefits to two years. Ontario—it can be a lifelong income replacement.

The other jurisdictions also have a much tighter list of health care providers that can bill in the system. Ontario has a fairly expansive list.

All of those factors drive up the costs.

Mr. Mike Colle: Okay. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. You have an extra minute. If you just wanted to wrap up, I would be lenient.

Ms. Karen Ots: I was hoping that our CEO, Greg Somerville, would be here, but he got called away on some urgent business. What he would tell you is that the amount of scrutiny that Ontario auto gets from our parent company, who's UK-based—we're part of the Aviva global group. Aviva globally is the sixth-largest insurer in the world and we've been deemed too big to fail.

This file gets a tremendous amount of attention from our parent. Our parent is extremely worried about the amount of political intervention in the Ontario auto file and the current regulatory system. It's sophisticated capital that has choices on where to invest its capital, and there are many places around the world where it's a lot easier to do business than Ontario is perceived as being right now.

Mr. Mike Colle: But it is profitable in Ontario, though, isn't it?

Ms. Karen Ots: We have a COR right now of 101.

Mr. Mike Colle: What?

Ms. Karen Ots: Our combined operating ratio is 101.

Mr. Mike Colle: I'm not sure what you mean by that.

Ms. Karen Ots: Okay. That means we have more expenses than we do income. Right now, we're not profitable in Ontario auto.

Ms. Lisa M. Thompson: It's 100 to 200.

Ms. Karen Ots: You want to be under 100.

The Chair (Mr. Grant Crack): Right. Well, thank you very much, Ms. Ots. It's a pleasure having you here, sharing your views.

Ms. Karen Ots: Thanks.

THE ADVOCATES' SOCIETY

The Chair (Mr. Grant Crack): We have The Advocates' Society with us this afternoon. I believe we have Mr. Grossman with us.

Welcome, sir. You have five minutes. The floor is yours.

Mr. Eric Grossman: Thank you for the opportunity to speak before you.

The Advocates' Society represents over 5,000 lawyers throughout Ontario and the rest of Canada. Almost a third of our members practise in the area of personal injury and insurance law, representing both plaintiffs and defendants in personal injury cases. As such, the society reflects the diverse views of the personal injury bar. Today, I also represent the Canadian Defence Lawyers organization, which is the organization opposite OTLA, whom you just heard from.

While I speak as a lawyer who has acted, and continues to act, for insurers for 25 years, my comments shouldn't be viewed as representing any of my insurer clients. I understand that some are in favour of the bill as is, and some are in favour of the changes I am advocating. Despite Mr. Palumbo's comments, I don't believe that insurers speak with one voice on this issue, yet the plaintiff and defence bar do really speak with one voice today about its concerns about removing the right to bring court proceedings.

Just to take a step back, I believe, and our organization believes, that Bill 15 is generally a very good, excellent improvement on what we currently have. Its addressing of issues regarding towing, storage, fraud generally and most especially the move from FSCO to a new dispute-resolution process at the Licence Appeal Tribunal—as largely recommended by Justice Cunningham and following Justice Cunningham's overall report recommendations—are all excellent steps in the right direction to assist in combatting fraud and bringing rate reductions.

But I want to dispel one fallacy about this bill: The abolition of the right to sue, as contemplated by Bill 15, is absolute. While there is a right of appeal to court, there will be no re-hearings of cases on appeal from the LAT, so to say that the right to sue has been maintained because you can still appeal to court is simply incorrect.

Sometimes—and with respect—insurers don't realize the implications of what they seek. At its simplest, where insurers currently have and always have had the recourse to sue fraudulent claimants for repayment of ill-gotten accident payments, Bill 15 will actually remove that right. So, ironically, the fighting-fraud component of the act will perhaps inadvertently do the opposite, and insurers can't really support that.

The LAT process was created to avoid getting bogged down in a lengthy and expensive dispute over simple

items, and that is to its ultimate benefit. But I can give you a good example of how the simplified LAT system will expedite the system but may cause some problems, using the example of a simple mattress claim for someone who has a bad back from an MVA.

We have a system which provides in excess of \$2.5 million in benefits to every accident victim who has a serious injury, a catastrophic injury. That big dollar amount can't be ignored, even in the \$800 mattress claim. What if the disposition of the mattress claim comes down to causation? What if the evidence is that there was no damage to either car in the impact, that it was caused by a slipped clutch in stop-and-go traffic and that, at the time, the claimant was being driven to hospital for a previously scheduled back fusion?

A finding that the mattress is or isn't payable in a perfunctory LAT hearing will have broad implications to both the insurer and the claimant on a host of other claims. It will also have broad implications to someone who is not even a party to the LAT proceeding: the driver of the car that hits him.

So a simple decision on the mattress will impact the way causation is dealt with in the tort claim. If causation is found to exist, the tort defendant will say that he didn't take part in the LAT proceeding, and the decision isn't binding on him, and he would be right.

If causation is found not to exist, the claimant will say that despite that finding, causation is still live with the tort claim, and he too would be right, so the causation claim would need to be re-litigated in the tort case, and the same witnesses would be called. A system where the exact same issues would need to be re-litigated in different places at different times can't create efficiencies leading to reduced rates.

A point that needs to be made is that a dollar saved in accident benefits often doesn't actually get saved ultimately, since it gets added to the tort claim. So if the mattress isn't allowed in the accident benefits claim, that doesn't mean that the same mattress—or attendant care, or income relief—isn't going to be advanced as part of the tort claim. On that basis, I don't understand how having the proceedings run separately makes any sense or creates any savings.

I expect that Justice Cunningham, in his current role as a mediator for hire, would agree that the presence of tort and accident benefit insurers under one roof is the best recipe for a successful and fair settlement of both claims. Yet the walling-off of one system from the other by the barring of lawsuits for accident benefits means that the issues aren't joined and the insurers aren't together.

Interruption.

The Chair (Mr. Grant Crack): That was right on, sir. If you want to make a wrap-up comment, that would be fine.

Mr. Eric Grossman: Thank you.

The expense of the two systems isn't even fully understood, because the overlap of these claims alluded to above somehow finds a way to magically and mysteriously disappear when one insurer settles one component

of the case, and the other insurer is left holding the bag on the rest. Whether the torts settle first or the accident benefits settle first, the overlap in credits disappears. The costs to the industry when one is dealt with separate from the other are enormous and unmeasured.

As a lawyer on the streets dealing with these cases day in and day out, I appreciate and understand how much more significant the loss of that coalescence of the two together really is.

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The Chair (Mr. Grant Crack): Thank you very much.

We'll move to the government side, and we'll start with Mr. Ballard.

Mr. Chris Ballard: Thank you very much, Mr. Chair.

I believe I heard you not speak in favour of a change to prejudgment interest?

Mr. Eric Grossman: I haven't addressed prejudgment interest because in my capacity dealing with the Advocates' Society, acting for both plaintiff and defence, that is an issue where there isn't a commonality of interest.

Mr. Chris Ballard: Okay. I guess my question—you can answer in more of a general way. Prejudgment interest is added on top of the pain and suffering damages calculated by the court to reflect the time value of money, so I'm struggling with the issue of 5% versus the Bank of Canada rate, a fluctuating rate. I'm struggling with that.

Mr. Eric Grossman: I can speak to it historically, which may give you the basis for the change. The 5% was implemented when interest rates were historically at a high of 18% and 20%, and so there was some view—and by the time the implementation was made, rates were already coming down and I believe they were somewhere around 8% or 9%. We didn't know—no one knew—that they were going to come down as low as they have. The goal was to not create as much pull on premiums as the 10%, 12%, 15% and 20% was doing to insurers at the time.

I understand why there's now a re-linking to the bank rate so as to create some more semblance of reality in what the actual cost of money is. Arguably, if and when rates go back up, they will not be capped at 5% any longer, so there is a give-back from that perspective.

Mr. Chris Ballard: Okay. Thank you.

The Chair (Mr. Grant Crack): Mr. Colle.

Mr. Mike Colle: Mr. Grossman, there are a lot of complex things you related, but the one thing I want to get clear is about the right to sue. How does it work right now, in terms of the right to sue? The insurance company can sue the person who maybe filed a fraudulent claim and the claimant can also sue the insurance company as it stands right now; right?

Mr. Eric Grossman: Correct.

Mr. Mike Colle: How is it going to change with this legislation?

Mr. Eric Grossman: Well, this legislation will remove any right of action for anything relating to accident benefits, either entitlement or quantum.

Mr. Mike Colle: You can't go to Divisional Court.

Mr. Eric Grossman: You can't go to any court.

Mr. Mike Colle: Any court. So that's removed as of this legislation?

Mr. Eric Grossman: Yes.

Mr. Mike Colle: But you can still go through the dispute mechanisms that are being established here through FSCO?

Mr. Eric Grossman: Through the Licence Appeal Tribunal, yes.

Mr. Mike Colle: Yes. Okay.

Mr. Eric Grossman: What it removes is the link between the two disputes. What I've tried to make you appreciate—and I don't know if I've succeeded—is there's a tension on the rope. If it's going to get pulled in one way, then the other way can't be pulled as well. The tort and the accident benefits are inextricably linked. What you're really doing with this legislation is removing that link.

The best example I can give you is in a real-life case where we're acting for a tort defendant who has a \$1-million policy limit. That policy limit is in jeopardy because the claims of the injured person are in excess of that. With the accident benefit in tow, they can combine the two and the accident benefits will help increase the limits effectively because the payments made in the accident benefits will reduce the overall claim of the tort.

With the LAT proceeding being expedited as quickly as it's intended to do, accident benefit carriers will end up resolving their cases potentially much quicker and they won't be there to help insulate the tort. Now individuals who have policy limits of \$1 million may be exposed to over-limits claims and invariably the overall system payment will be higher because the two insurers won't be working in tandem to give proper compensation to a plaintiff. There will likely be overlap between the two.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate that.

We'll move to the official opposition. Ms. Thompson.

Ms. Lisa M. Thompson: Thanks very much. We'll continue to focus on the dispute resolution. I'm just wondering: Would you agree or not, moving the administrative costs from FSCO over to the Attorney General is essentially a shell game? There's really no overall reduction of costs.

Mr. Eric Grossman: I don't think I can agree with that proposition. I think that the FSCO system was not an efficient one, and certainly by ridding ourselves of mediation entirely, there will be huge savings to be had. You're going to have a much more expedited system, which will be of benefit, and I advocate in favour of the change. I just think that it's going too far by removing completely the right to sue as an option in certain limited, conscribed circumstances.

Let's remember that when I'm connecting these things to the tort, not everyone has a tort claim. You have to have a serious and permanent injury and you have to not be at fault for the accident. So that, by definition,

removes a large component—probably two thirds to three quarters if not more—of the people who are injured in accidents.

Ms. Lisa M. Thompson: Okay. And then one last thing?

The Chair (Mr. Grant Crack): Absolutely. Go ahead.

Ms. Lisa M. Thompson: Okay. Thanks, Chair.

This bill doesn't address the issue of why so many cases are going to dispute in the first place. We've recommended using existing medical assessment guidelines with independent third parties. How do you feel about that?

Mr. Eric Grossman: Well, we used to do that. It was called a DAC system. Before the DAC system, there was a medical advisory review panel that was almost never used. There aren't very many people in this room who will actually remember that.

At the end of the day, the perception is that there's no one who is truly independent as a third party. Everyone has a bias of some sort, and how that bias plays out is always the challenge. Certainly this competing expert approach is not efficient, and we struggle to find better ways.

The Chair (Mr. Grant Crack): Thank you very much.

Mr. Singh, would you be interested in asking any questions to Mr. Grossman from The Advocates' Society?

Mr. Jagmeet Singh: No, thank you.

The Chair (Mr. Grant Crack): Thank you very much.

I could give you an extra 30 seconds to wrap up, if you'd like.

Mr. Eric Grossman: Thank you. Just the two quick points I wanted to make that I didn't get a chance to: One is that bad faith claims are also a huge problem with this new construct, because insurers who are sued in bad faith will now have an underlying decision from the LAT that—their hands are tied by it. It will be used in a new proceeding brought before a judge who won't have heard all of the evidence that led to the adverse finding in the first place. The judge may not agree with that finding, and it's problematic. So we think that that was not well conceived and needs to be excluded.

Lastly, on the current system, 97% of the cases that are in dispute resolve before you have a decision. That leaves 3% that we're fighting about, or that are being fought through to hearing.

I caution you to not get caught up in that number, because with the LAT that Justice Cunningham proposes, it will be expedited to the point where many more cases will necessarily be heard. There won't be a time. There won't be adjournments. There won't be delays. It will be expedited, so you'll have many more hearings. Many more hearings mean more legal fees. More hearings lead to more decisions, some of which—well, all of which—will make 50% of the litigants unhappy. So if you can

have a compromise, you will have better results and likely savings.

The Chair (Mr. Grant Crack): Thank you very much for your insight—we really appreciate it—and thanks for coming this afternoon.

FAIR, ASSOCIATION OF VICTIMS FOR ACCIDENT INSURANCE REFORM

The Chair (Mr. Grant Crack): We have with us FAIR, the Association of Victims for Accident Insurance Reform. I believe we have the board chair, the vice-chair and the board member. I will allow you to introduce yourselves. Welcome to the committee.

Interjections.

The Chair (Mr. Grant Crack): Welcome. Thank you, and the floor is yours.

Ms. Rhona DesRoches: Okay. Good afternoon. My name is Rhona DesRoches and I am the board chair of FAIR, Association of Victims for Accident Insurance Reform. We are a not-for-profit, and our members are accident victims and their supporters.

I am here with Tammy Kirkwood, our vice-chair, and Pamela Scarborough, a FAIR board member, both of whom can speak to the MVA experience.

Our members want to know why our legislators, you, are enabling insurance companies who are addicted to charging Ontarians the highest premiums in the country and offering the poorest coverage. You should be asking, “Why do we have such a high rate of disputed claims?” and “Why isn’t the system working?” Why is slashing benefits called “fighting fraud”? Why are you, our elected MPPs, willing to reduce the one penalty, which is the prejudgment interest, that in some way holds insurers accountable? It will encourage insurers to deny even more claims, and it will make things worse while insurers get rich investing money that should go to accident victims.

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Insurers will continue to spend more money on the bogus IMEs, or medical examinations, and their lawyers to delay and deny claims than they do to pay out to accident victims. There will be even more unpaid claims in the system waiting for hearings.

We hope that you will take the time to consider what these changes in Bill 15 will do to accident victims. It will deny access to our courts and will make insurers even less accountable, and it will punish victims.

I want to pass the floor to Ms. Kirkwood now.

Ms. Tammy Kirkwood: Hello, I am Tammy Kirkwood. I am the vice-chair of FAIR Association. I was in a car accident in 2008. I had access to more benefits than people do today. I was very seriously injured. I expected that the premiums I had paid for many years would be available to me. I was lucky that my insurer did the right thing. Others are not so fortunate.

Victims see Bill 15 not as a fraud-fighting measure but as a template for again reducing benefits paid to injured

drivers. You’re using legislation to increase the profits of the insurance industry by ignoring the needs of victims.

Survivors are forced to access the already overburdened social services system that this government has made cuts to. As a government employee who worked for Ontario’s community and social services and corrections, I am very aware of what effect these stresses have on our system. The taxpayer essentially foots the bill while the insurance companies make the large profits on the backs of us.

It’s time to stop taking actions that have made Ontario’s accident victims third-class citizens—please—and in the bargain allowed Ontario’s insurers to walk away from their responsibilities by downloading their costs to us, the taxpayers.

Ensuring that Ontario has a working insurance system that provides good coverage and an honest system of justice for accident victims is the responsibility of the government. There is also a responsibility that accident victims are not harmed in the process.

In Canada, bullying is abusive and harmful, yet insurers are ultimately bullying legitimate survivors of MVAs by delaying and denying their claims with endless medical assessments.

Why is our government making decisions without adequate consultation with all? The government should have the best interests and the well-being of the people who actually put them in their political seats.

I’m going to pass the floor now to Ms. Scarborough.

Ms. Pamela Scarborough: Hi, I’m Pamela. In 2008, my husband, Michael, was in an automobile accident. There are three things I want from my insurance company.

Firstly, I want adjusters, assessors and doctors who are certified, unbiased, informed and competent. I’m going to give you an example. Michael requested from the insurance company a shower seat and grab bars. He was denied this. He had to wait three weeks for a 90-minute assessment before he was given these items. The assessment cost more than the actual items. This kind of denial happened more often than not in Michael’s recovery.

The extreme was, Michael needed a scooter because he wasn’t mobile. They gave him a scooter that didn’t support his back, so he was sent to a couple of doctors and a couple of assessors, and he got another scooter that supported his back. One would have thought that the adjuster, the assessor and the doctor should have known the complications of Michael’s injury and ordered the correct scooter up front.

Secondly, I want my insurance company to be accountable. Michael’s injuries consisted of three fractures of the spine, the T5, the T4 and the T12. Through the course of Michael’s recovery, he saw 52 different doctors and assessors, only five of which we initiated. Each one was given a copy of Michael’s X-rays so that they could see the fractures in his back. All but one of these doctors agreed that Michael would never be able to work again and would have limited ability to walk, stand or sit. My question is, why would we have to see 42

doctors to find out that he wouldn't be able to work again? It's ridiculous.

The Chair (Mr. Grant Crack): Thank you. Can you wrap up, please? I'm sorry to cut you off.

Ms. Pamela Scarborough: Yes—no, that's cool. I can stop.

The Chair (Mr. Grant Crack): Maybe we can get another question so that we can continue.

I think we started there. Ms. Thompson, are you—

Ms. Lisa M. Thompson: No, I'm fine—

The Chair (Mr. Grant Crack): Okay. So we'll go to Mr. Singh.

Mr. Jagmeet Singh: You can take my time to continue what you were going to say.

Ms. Lisa M. Thompson: Yes, that's what I said.

Ms. Pamela Scarborough: Oh. All I was going to say was that thirdly, I want my insurance rates to be judged on my driving and not where I live. When I ask for quotes, depending on my Toronto address, the amount of insurance can be as much as \$500 difference.

Mr. Jagmeet Singh: How much time do I have?

The Chair (Mr. Grant Crack): You have three minutes.

Mr. Jagmeet Singh: Okay, sure. You indicated before that Ontario is the province where you pay the highest premiums for the lowest coverage. Explain what you mean by the lowest coverage.

Ms. Rhona DesRoches: Well, with the amount of injury classification, and 80% or more of claims being capped at that \$3,500, less the cost of assessments, it's really \$2,000. It may be fine that it may cover a lot of those expenses for a lot of people, but we're not cookie cutters; we're not all the same. That sort of legislation strives to put us all into the same box.

So we do have very low coverage and we are paying way too much for what we're getting, because what you get for your money is a roll of the dice if you get hurt. You've got a 50-50 chance of collecting what you paid for, and that doesn't strike me as correct.

Mr. Jagmeet Singh: And in terms of your organization, what is the experience of folks who are injured in a motor vehicle accident in terms of their ability to get coverage, their ability to get payments from insurance companies when they file for certain treatment programs? What has been their experience in terms of getting that coverage?

Ms. Rhona DesRoches: Well, I think there's a problem with the forms. There are too many forms. They're too difficult. You pretty much have to have a lawyer. One of the things that drove home what's wrong with this is that we were contacted yesterday by a person who was injured in 1996, so we're talking 18 years ago, and that lady wasn't able to find a copy of the legislation that applied to the time of her accident.

What we have in the system are a lot of really old cases, up to 20 years old, that have never been settled with. There has been no accommodation for these people. You can't find that. I spent a lot of time looking for that lady. I thought I should be able to find it; I couldn't.

There have been so many amendments since this first came out—you know, it started with Bill 164; it keeps going through Bill 59—all of these things. When I was coming today I thought, "I'd better print that out. Someone is going to ask me something hard."

If you get in a car accident today, what you'll be passed is 60 pages of legalese, and no matter how many times I've read it, I don't understand it. It's clear that even the legal profession has some difficulty. It's constantly changing, and it's changing because of what you do here.

It's one thing for the insurer to ask for changes; they're always looking to make money. We expect that. But we don't expect that you just give it to them each and every time. In this instance, we're going to have something new at the end of this.

Mr. Jagmeet Singh: And can I ask you another quick question? What's your perspective on behalf of FAIR with regards to not allowing a claim to be brought in court for—I already see your heads nodding, but what's your response to that, then?

Ms. Rhona DesRoches: I think it's grossly unfair. I think that you've made us—we're already third-class citizens. The physician assessors who see us don't have to treat us the same way as they would another ordinary citizen who fell in their kitchen. I think this again puts us in a different slot: We can't sue, but everybody else can. It's disrespectful, it's unfair, and it lets insurers off the hook.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate that. We'll move to the government side: Ms. Hoggarth.

Ms. Ann Hoggarth: Good afternoon. I can tell you're very passionate about this and I understand.

A previous presenter said that one of the reasons our costs seem to be higher is because we have more benefits. For instance, Alberta does not cover catastrophic impairment and has a tighter list of which health care professionals you can use. Do you have any information about that? Have you looked into that?

Ms. Rhona DesRoches: I do know that Alberta has—I don't think it's called a minor injury cap, but it is \$7,500, so it's higher than our \$3,500 cap. As far as catastrophic injury is concerned, I'm sorry; I simply don't know enough to respond to that.

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Ms. Ann Hoggarth: Okay. And just a supplementary: The nice lady there said that she didn't understand why you pay \$500 here and a different amount somewhere else. Do you think that that's not because there is far more chance of you being in an accident in Toronto than in—

Ms. Pamela Scarborough: No, no, no. I live in the west end, and my insurance a year is \$1,300. If I lived in Forest Hill, it'd be \$729. Why?

Ms. Ann Hoggarth: Okay. I didn't understand what you were comparing.

Ms. Pamela Scarborough: Sorry. It was all in Toronto that I did this—

Ms. Ann Hoggarth: Okay. Thank you very much for your answer.

Ms. Pamela Scarborough: No problem.

The Chair (Mr. Grant Crack): Okay, thank you. Mr. Ballard? Oh, sorry. Mr. Colle?

Mr. Mike Colle: Yes; interesting. Did you say 52 assessors or 42?

Ms. Pamela Scarborough: Michael saw 52, only five of which we initiated, and then the rest were between the insurance companies.

Mr. Mike Colle: So don't you think, if we can somehow reduce the number of assessments so there isn't the constant war of assessor versus assessor, and all these lawyers involved in everything, and all these fraud artists who are holding cars hostage and charging people \$2,000 for picking up a car—if we can get rid of those costs for assessments and all of these legal battles—that we'd have more money for people like yourselves who have serious injuries or are basically incapacitated, and that they would get the help that they need, rather than all the money going to these mysterious assessors and all the middlemen and -women who profit big-time on insurance?

Ms. Tammy Kirkwood: The one thing that we have learned is that, if you were able to take the amount of money that is spent on assessors and provide the victims with the refunds and the recovery they need, you would cut down big-time on the costs. When a victim has to hire a lawyer to understand all of the legalese—

Mr. Mike Colle: Yes, too many lawyers.

Ms. Tammy Kirkwood:—whose fault is that? Is that our fault, or is that your fault, or is that the insurer?

Mr. Mike Colle: Yes, you're so right. I think it's all of our faults. We've made the system so complicated that a lot of lawyers get very wealthy on this and a lot of mysterious medical assessors get very wealthy. We tried to eliminate this group of assessors back in 2000—we called them DACs—that were making a lot of money. Maybe there were some good people in the DACs. But basically every time there's an attempt to try to get rid of the assessors—maybe what we should do is an amendment to say “only one assessment per each side,” and that's it.

Ms. Tammy Kirkwood: Kind of like the Colorado model has.

Mr. Mike Colle: The what?

Ms. Tammy Kirkwood: The Colorado model.

Mr. Mike Colle: Oh.

Ms. Tammy Kirkwood: They actually have a team of assessors, and you get to pick. The victim and the insurer get to pick. They get three choices; that's it. After that, there are no more.

Mr. Mike Colle: Yes, you save time and money.

Ms. Tammy Kirkwood: That's right.

Ms. Rhona DesRoches: That was very cost-effective for Colorado.

The Chair (Mr. Grant Crack): Okay. Well, thank you very much. I really appreciate you coming before the committee, and I wish you all the best. We're going to do the best we can in order to improve upon the insurance system that we have here in Ontario. So, thank you again. We appreciate you coming.

Ms. Rhona DesRoches: Thank you very much.

Ms. Tammy Kirkwood: Thank you.

Ms. Pamela Scarborough: Thank you.

CAA SOUTH CENTRAL ONTARIO

The Chair (Mr. Grant Crack): Next we have the CAA from south-central Ontario. I believe we have Mr. Elliott Silverstein here, manager of government relations. Welcome, Mr. Silverstein. You have five minutes to make your presentation.

Mr. Elliott Silverstein: Thank you very much, Mr. Chair and members of the committee. My name is Elliott Silverstein. I'm the manager of government relations with CAA South Central Ontario. CAA is a national not-for-profit auto club, one of Canada's largest consumer-based organizations, and has been advocating for our members since 1903. In Ontario we currently have over 2.3 million members.

Advocacy is at the origin of our existence. While there are numerous organizations appearing today, we are uniquely positioned to talk about both consumers and the roadside-assistance business, two critical elements of the discussion around Bill 15.

Today I intend to focus on portions of Bill 15 focusing on towing and the regulation of the industry. CAA has been supportive of Bill 15 and its predecessors, and the contents within the bill. My comments will highlight how, if left unedited, Bill 15 could have an adverse effect on CAA, its members and the industry at large.

CAA has actively pursued the concept of provincial regulation of towing for several years. We have long advocated to government for greater consumer protection measures and efforts to enhance training for tow truck drivers.

The current legislation, which amalgamates Bills 171 and 189, has commonalities; however, the components related to towing extend far beyond auto insurance and fraud. CAA is concerned that the long-standing attempts to regulate towing are being integrated with the immediate efforts to address issues around auto insurance, and causes towing regulation to potentially be lost in the shuffle.

Around CVOR, through Bill 15, the current exemption for tow trucks would be lifted. While the removal of CVOR's exemption for tow trucks would enable greater enforcement of tow trucks to address safety, a straight removal of the exemption could have the opposite effect on the industry.

CVOR, by its nature, is designed for commercial trucking operations. Tow trucks provide a vastly different service. They are not hauling commercial goods; rather they are transporting vehicles and often motorists from a breakdown or a collision. Comparing tow trucks and tow operators to commercial trucking and commercial truck drivers does not recognize the type of service that tow trucks provide motorists across Ontario, through all weather conditions, every day of the year.

Having tow trucks subject to CVOR's hours of work requirement would drastically and negatively change

how the towing industry functions. Unlike trucking, there are often significant gaps of time between calls for a tow operator. By following CVOR requirements in full, tow truck operators would not be able to provide the same levels of service they currently do for Ontario motorists. Furthermore, the hours of service would not curb any issues connected to chasing or tow operators who are engaged in fraudulent activities. The impact of CVOR's hours of service requirements being imposed on law-abiding tow operators would be significant.

At CAA, we respond to over one million calls annually. Should CVOR be instituted, it would impact all towing operators, and counter the consumer protection efforts of the bill by drastically increasing wait times when motorists are most in need.

Bill 15 also references the establishment of qualifications for tow and storage providers. Again, this is a component that CAA is strongly supportive of, and an area that we have been engaged in for many years. For training, CAA takes pride in our training standards for our network of towing providers, and through other areas of our network, like beginning driver education. It is imperative that organizations that have a rich history in training and training standards are able to help develop and implement any curriculum or program for towing operators.

CAA has also participated in the towing and storage advisory panel that took place earlier this year. Currently, a handful of municipalities have some form of towing by-law, where processes and in some cases rates are regulated. Through Bill 15 and the intention for greater training for the industry, we believe that a provincial licence would address the issues and require tow operators to be compliant with one set of rules across Ontario.

For consumers and towing operators alike, if Bill 15 is intended to address issues of fraud and promote consumer protection, enabling an environment of inconsistent towing regulations in select markets is counterproductive to the overall discussion.

Many tow operators possess licences in many municipalities right now. Requiring tow operators to hold multiple licences, and potentially a provincial licence as well is not only punitive, but could create a two-tiered system that would add greater confusion to the system we have today.

While CAA recognizes that the provincial government does not regulate rates, this subject requires further discussion, as a scenario where the industry pays licence fees at the province and potentially at a growing number of municipalities where they provide service—we feel that having a two-tiered system is not the solution to the problems we face today.

CAA supports the contents and intentions of Bill 15. We believe that a simple amendment to provide a partial exemption to towing operators within CVOR—the removal of the hours of service requirement—is necessary to ensure the vitality of the towing industry. This amendment would have no financial impact on the intentions of

the bill, but would prevent unintentional consequences of what Bill 15 sets out to do.

CAA also believes that a provincial licence, potentially administered or managed by municipalities, is a strong option to consider to address issues of fraud, as it provides a seamless process and system across Ontario regardless of the market size for training, safety and compliance. An environment that enables a two-tiered system, or a continuation of the current ad hoc system of municipal licensing, could have a long-term negative effect on the industry.

The regulation of the towing industry has been immersed within the efforts to reduce auto insurance rates. However, if these and other issues are not carefully examined, the intentions of Bill 15 could inadvertently impact an industry that is already struggling to address a number of challenges. As an auto club and an advocate for motorists, we look forward to future conversations to help advocate on issues affecting the towing industry.

Thank you.

The Chair (Mr. Grant Crack): Thank you very much, sir. That was a lot to get through in just over five minutes.

Mr. Elliott Silverstein: I tried.

The Chair (Mr. Grant Crack): Thank you very much. So I guess we'll go back into a rotation. We'll start with Mr. Ballard from the government side.

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Mr. Chris Ballard: I think I understand. You touched on it briefly in terms of municipal regulation, but from your perspective, what's the impact on an organization that tows across the province? What's the impact of municipal regulations on costs?

Mr. Elliott Silverstein: There are two parts to it. The first part is that when you have the municipal licensing, CAA, much like any other organization, would have to have licences in each municipality in which they operate. Each truck would have to be licensed in each area. Having up to 444 licences across all 444 municipalities could become costly, as well as the fact that the processes, the requirements and the standards vary from municipality to municipality. Having a driver have to understand, when they cross the street to a particular jurisdiction, what the rules are there versus the other side of the street, is overly complicated when all the consumer wants is to be taken to a final destination that they have, to be home and safe.

For us, it's trying to simplify the process and keep costs down so it doesn't become overly expensive for anybody, because the whole discussion on auto insurance is trying to keep rates down. With this situation, there's a potential for costs to increase, which wouldn't benefit anybody in the end, either.

Mr. Chris Ballard: In your discussions with municipalities—I think there are 17 right now that currently license—is there any sense if any of those are interested in backing out of licensing if we move ahead with Bill 15 as it stands?

Mr. Elliott Silverstein: I think you have a situation where some would say yes and some would say no. I

think it really depends on the size of the jurisdiction and the success of what they're doing. I think it's also the perception of how they feel that their program is working.

The reality is that we're looking at it from the position of both the consumer and the operator. From the consumer, whether they have an accident in one municipality versus another shouldn't matter to them. At the end of the day for the operators, it should also be the ability to do their business seamlessly so that if we're looking at it from a regional perspective or from a provincial perspective—there are various ways to look at it. But having up to 10 or 12 municipal licences in the GTA, depending on where you work, could become punitive because it ends up being \$3,000 or \$4,000 or \$5,000 before they even set foot one day into work.

Mr. Chris Ballard: Thank you.

The Chair (Mr. Grant Crack): One minute, Mr. Colle.

Mr. Mike Colle: Just briefly, you're recommending, therefore, that there be a provincial licence that would be obtained at the local municipality, and they would issue it.

Mr. Elliott Silverstein: It's something to consider because having a provincial licence, which would create the standards and the safety training and all the requirements that CVOR would actually require to have certain criteria—it's not done ad hoc by municipalities, but there is some standardization. Having it potentially implemented through the municipalities could keep that relationship together—

Mr. Mike Colle: Sorry to interrupt, but then the other thing is, the key point you're making is that tow truck drivers should be exempt from the CVOR.

Mr. Elliott Silverstein: We're saying that there should be an exemption from a portion of the CVOR, not the entire CVOR.

Mr. Mike Colle: Not the entire—

Mr. Elliott Silverstein: Right.

Mr. Mike Colle: —but in terms of hours of operations.

Mr. Elliott Silverstein: Correct.

Mr. Mike Colle: That's the most significant part.

Mr. Elliott Silverstein: Right. We understand the intentions of putting CVOR into the towing area. We actually understand about safety for motorists and for drivers themselves.

Mr. Mike Colle: But the hours of operation don't make sense for tow truck realities.

Mr. Elliott Silverstein: The reality is that if you were to implement the hours of service, it would reduce the ability to get to a destination on time.

Mr. Mike Colle: Because they're sitting around waiting.

Mr. Elliott Silverstein: Absolutely, and the cost could potentially increase, and the service to members would be down. It has a trickle-down effect that really doesn't benefit anybody involved in those situations.

Mr. Mike Colle: Thank you.

The Chair (Mr. Grant Crack): Ms. Thompson.

Ms. Lisa M. Thompson: Thank you for being here. I know you've had a busy day. I was going to touch on the CVOR as well. Just so you know, in my past life I was general manager of an agricultural co-operative in which I grew a transportation division, so I'm very familiar with CVOR. What hit me was the removal of hours of service. My question for you is, do tow truck operators already have a logbook? On average, how many hours do they log a day?

Mr. Elliott Silverstein: I think it's really tough to say because of the nature of the business and the type of operation they are. If they're a large organization or a one- or two-truck operation, I think it really varies.

The challenge is in the nature of towing. You could have days where it's high volume, like a snowstorm, or you could have days where you could get a call at 8:30 in the morning and not get another call until 3 in the afternoon. But the hours of service could impact that, and you couldn't do that second call, potentially, because of the hours that you're technically on the job. We're looking at it from a different perspective from commercial trucking, understanding what goes into that and how they're driving for a considerable number of hours—very different. Towing does not have that same type of model.

We understand the CVOR and what the benefits can be; however, this is the one particular area where we say that that could be doing more harm than good.

Ms. Lisa M. Thompson: Okay, and then just my supplemental here: You mentioned that removing the amendment would have no financial impact. Conversely, what would be the financial impact of this particular piece on tow truck operators?

Mr. Elliott Silverstein: Hypothetically, it could be a situation that if you have less trucks available to go to provide service, they could be requiring to charge more for the fact that they're going to need to hire more employees, more trucks to have those types of effects, which eventually would be trickling down to the consumer.

There's no specific number that I can tell you, but just from looking at it from a perspective of how would it impact, in terms of the hours of working, one could imagine that wait times would be longer, people will be stuck in the cold for longer, and it would be very hard to try to find the service support to get this industry up and running.

Ms. Lisa M. Thompson: Okay. Thanks very much. We appreciate it.

The Chair (Mr. Grant Crack): Thank you.

Mr. Singh.

Mr. Jagmeet Singh: Thank you very much.

I just want to walk you through what your suggestion was. Right now, the way the system currently works, there are a number of municipalities, and each of the municipalities has a separate standard that they apply for a tow truck operator to become licensed. For example, if you're on the 400 or 401—any 400 series—and you're being towed from one location to another, you might pass

through a number of municipalities on the way. So for someone to be legally able to do that, they would actually have to carry a number of licences. Am I understanding you correctly so far?

Mr. Elliott Silverstein: Correct. For example, if there was an organization that was holding licences in Toronto, or wanted to get from Toronto to do service in Toronto, Mississauga, Brampton and Vaughan, you'd have to have four particular licences, which the operators choose to participate in, but that would also—it's costly; it's an annual renewal. At the same time, if we're looking at adding in more municipalities through Bill 15, there's the potential that other jurisdictions in the GTA could do exactly the same—which is, if you're already providing service in unregulated areas, it's going to be more costly at the beginning of every year.

Mr. Jagmeet Singh: Right. One of your suggestions, which I think actually has a lot of merit, is a standardized licensing process, which is something that could be implemented province-wide. That would create less guesswork in terms of what are the criteria to be licensed in one jurisdiction versus another. There would be some control over it in terms of making sure there's a high level of quality across the entire province. Then the mechanism to distribute that—one of the ones you suggested was to have it perhaps licensed through the municipality still, but be a provincial standard. Is that one of your suggestions?

Mr. Elliott Silverstein: It is something to consider. I mean, given the fact that I think there is an appetite from some municipalities to stay involved in the process, and for them to want to have operators that are meeting their standards in those particular communities, I think it's a way to try to find a bit of a bridge in this discussion.

I don't think we necessarily have all the answers, but I certainly wanted to bring some ideas to bear, because not doing anything would be much worse than what we're looking at.

Mr. Jagmeet Singh: Okay. Your comments have been focused essentially on the towing side. For today, that's the extent of your—

Mr. Elliott Silverstein: We've been supportive of the auto insurance process. CAA has an insurance arm, and we've been working towards a 15% reduction.

I came today more on the towing issues because I think they were more salient for today's discussion, but certainly we have been supportive of the 15% and are working towards that as an organization.

Mr. Jagmeet Singh: Wonderful, good to hear. And that's something that's doable, that your organization sees as feasible?

Mr. Elliott Silverstein: From our organization's perspective, through items like telematics, we certainly believe that we can do that and have been working towards it thus far.

Mr. Jagmeet Singh: Okay. Just on the CVOR, that's your only major—if you could spell out your exemption. Would you be able to also provide us with maybe a template of what your exemption would look like?

Mr. Elliott Silverstein: I could be able to provide that. Just to give a bit of a summary of it, right now, if we were to take out the portion—or to not require a tow truck to be subject to hours of service, that would allow them to continue providing the level of service that they provide today, while also being compliant in requiring to go through other processes that are found through CVOR for safety purposes.

Mr. Jagmeet Singh: Okay. Is there any advantage to the current system having multiple licences in multiple jurisdictions or municipalities?

Mr. Elliott Silverstein: It's tough to say, because certainly it prohibits some towing companies from working in different markets. Some are choosing to work in smaller areas. But for groups that are working multiple jurisdictions, it is an additional cost. So I think it depends on the business model that a particular company is working from.

Hopefully, in an ideal world, it should be a revenue-neutral situation for municipalities. There shouldn't be a profit from these licences. But we certainly want to try to make sure that whatever does happen and what is happening now should be seamless for the consumer so that they're able to get to their home safely after being involved in a collision or a breakdown.

The Chair (Mr. Grant Crack): Thank you very much, sir, for coming forward. We appreciate your input.

Thank you to all the members for their questions and comments.

NORTH AMERICAN AUTO ACCIDENT PICTURES, TOWING DIVISION

The Chair (Mr. Grant Crack): We shall move to North American Auto Accident Pictures, Towing Division, NAAAPTD. We have Mr. Marinos, who is a director, with us today. We welcome you, sir. You have five minutes. Welcome again.

Mr. Aris Marinos: Good afternoon.

The Chair (Mr. Grant Crack): Good afternoon.

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Mr. Aris Marinos: I am one of the directors of NAAAPTD. We're an association mostly of independent tow operators, and run our association on a volunteer basis. We currently have over 1,000 members in Ontario. Our members sign a contract and agree to a set of rules and regulations, including tow rates and storage rates. We self-regulate our members with 100% success, which in turn stops fraud. We will also try to help in situations with towers who are not members. We also have a picture program that will assist in fraud and help resolve issues arising from accident scenes.

In 1992 we introduced a system—first-come, first-available—which is used all over Ontario now. This gives a response time of zero to five minutes on scene. This system saves about \$30,000 a minute per lane in rush hour and saves lives on secondary accidents.

In June 2005 we were given letters of protocol from the OPP to break bylaws covering tow trucks in the

greater Toronto area so traffic can move freely. This system keeps streets and major arteries of Ontario moving at their peak.

Our association feels that we are being used as political pawns to help the government achieve its agenda on reduction of insurance rates.

In 2009 and 2010, the government allowed the insurance companies to increase rates up to 18% in some areas and allowed reduction in coverages to their policies. This in turn allowed the insurance companies to save millions of dollars, without any relief to the policyholders of Ontario.

Today we are lucky to have a 10% reduction in rates, which still doesn't bring us back to 2009 rates, where we started, but gives us a watered-down policy to look forward to in case of an accident.

Earlier this year I participated in the towing and storage advisory meetings that were supposed to set the scope of Bill 15 before us. The professional opinions of the tow operators present at these meetings were not considered at all, which makes me believe it was just a smokescreen and we were there to fill in space. We were made to believe that the CVOR was not to be utilized—for it had a lot of problems in making it work for tow operators and there aren't enough tow operators to make changes to the CVOR program.

Tow operators do a lot of short tows, with a lot of time in between. There are no scheduled calls, so it's all emergency towing, which will not leave enough time off consistently or consecutively to satisfy the requirements of the program.

Bill 15 makes suggestions to amend the notice time a storage facility has in reporting vehicle impoundment. This will not make much difference for the owners of vehicles that have any significant value. All owners who call looking for their vehicles will notify their insurance companies if they are involved in an accident, which do not leave vehicles around to accumulate storage fees. If they do accumulate fees, the insurance places the funds in the courts.

If they don't report to their insurance company, then they are in default of their policies. Why should this be the responsibility of the storage facilities? Will the government compensate the compounds for the abandoned vehicles? Almost all the vehicles left behind are not worth the tow bill, never mind the fees that are required to dispose of them.

We agree that there are tow operators with no ethics, and that's why we have our members sign contracts that we can use against them if something arises. Our members work in all elements of weather and are given no credit for the good they do. We are already working for rates that workers in sweatshops get in Bangladesh, thanks to the abuse of the legal system by the insurance companies.

This bill needs more dialogue from the tow operators, who are the main players, so it can be fair to the towing industry and have transparency for the consumer. The last meetings were just a waste of taxpayers' money to KPMG. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, sir.

We will start with the official opposition: Ms. Thompson.

Ms. Lisa M. Thompson: Thank you, Chair.

Thanks for being here today. I'm interested in the picture program you described at the outset. You mentioned that you also have a picture program that will assist in fraud. Can you describe that program for me?

Mr. Aris Marinos: What we had originally—this was set back about 10 years ago. We had a program where tow operators, who would probably be the first responders there before everybody got there, take pictures of everything around them—accidents, the position the cars were in, and who was involved; if they could get pictures of somebody in the car and everything—and we would upload it into a system and make it available to anybody that needed it. So if the insurance companies were fighting, or a discrepancy—how many people were in a car, or whoever was this or whoever was driving, which does arise; I've seen people switch drivers over my career—it was all there, it was all there.

We tried to present this to the insurance companies and the government years ago. This will stop all the fraud. It'll stop all the headaches and people saying that there was only one person in the car and then five of his cousins showed up or whatever and they all claim medical injuries and all that stuff. This was a good idea. We still have it available to us. We haven't utilized it fully and we're trying to. It is still currently available, ma'am.

Ms. Lisa M. Thompson: Okay. Thank you for that.

Then you talked about the consultations being a smokescreen. How many advisory meetings were scheduled? Do you recall?

Mr. Aris Marinos: It was four days of meetings and they were already pre-set. Our input there was just a waste of time. KPMG had an agenda to do already, and I bet you they had printed that report before we even finished.

Ms. Lisa M. Thompson: That's a shame.

Mr. Aris Marinos: Well, it's a shame to the taxpayers who paid for it.

Ms. Lisa M. Thompson: Absolutely. Are you willing to share the information that you took to those advisory meetings with my caucus, as well as the third party?

Mr. Aris Marinos: Absolutely, ma'am.

Ms. Lisa M. Thompson: Thank you. And your contact information is on the letter?

Mr. Aris Marinos: It's on the bottom of the sheet, ma'am. Thank you.

Ms. Lisa M. Thompson: Okay. I appreciate that very much. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Based on the fact that we're in committee, if you could share with the entire committee—

Ms. Lisa M. Thompson: Oops. Of course.

The Chair (Mr. Grant Crack): —that would be quite appropriate, thank you very much, and thank you, as well. We'll just move on to Mr. Singh.

Mr. Jagmeet Singh: Thank you very much, sir.

We've heard a lot, and we heard previously from CAA, about the CVOR program and how it would cause some difficulty for tow truck drivers. The exemption that was talked about was to make an exemption because of the type of work and the type of hours that normally a tow truck driver has—that that wouldn't apply. Is that something that you're looking for as well?

Mr. Aris Marinos: We are also looking for that, Mr. Singh. Basically we are in an emergency situation. Yes, you could be moving around all day, but the majority of the time, you're just sitting, waiting for the next call. You could be sitting for three or four hours. As I think somebody earlier mentioned, you can get a call in the morning and you might never get one until the afternoon. It depends how busy it is; right?

So this would not satisfy the CVOR requirements on successive hours of downtime. No, we're not in favour of that, but we are in favour of one provincial licence because it does cross into certain—we tow from one end to the other end, and you've got to cross about six different municipalities and six different licences with different requirements.

Now, one thing that was brought up in the advisory group—there was somebody there from the city of Toronto bylaw enforcement and they said that if the provincial plate did come in, the city would abolish their tow bylaws and go to a rate. Now, I can speak for hours about this, if you like. You're complaining about chasing, and I would like to say that the gentleman previous, before me, speaking for the CAA—I would like to say that if he's not aware of it, most CAA drivers chase. He should have another look into the way they run their business; right?

Mr. Jagmeet Singh: Thank you so much. A last question: You mentioned that thanks to the abuse of the legal system by the insurance companies, what type of—I mean, you're in the industry, you're on the ground. Do you see any sort of abuse by the insurance companies and what types?

Mr. Aris Marinos: Oh, absolutely. There's total abuse every day.

Mr. Jagmeet Singh: What is it?

Mr. Aris Marinos: If there's something they don't like, they don't pay you—and money into the court. You might wait two or three years. Or what they do is they beat you down eventually. If they don't like your tow rates: court.

I'll give you a current example: Intact. Intact will pay according to what they suggest is fair: \$125 to do a tow for the first 50 kilometres, but they will pay their own tow truck that picks it up \$200. How does that make sense; right? I have invoices of that. If you don't like it, they say, "We'll put the money in the court." Now, how many times can you go to court, sir? They will spend not \$2 to \$1 to somebody else, but they'll spend probably \$10 to \$1 to beat you down in court eventually. I'm pretty sure you'll hear that from every towing company or every person who is in this industry.

The Chair (Mr. Grant Crack): Okay. Thank you very much.

We'll move to the government, Mr. Ballard.

Mr. Chris Ballard: I think I heard you talk about impound fees and the fact that—or for tow truck drivers, the cost of removing abandoned vehicles and it not being fair to them. I don't have a problem with that, but in terms of the 60-day notification in impounds: What's your position on that?

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Mr. Aris Marinos: As I said earlier, I don't think it's our responsibility to notify anywhere. We've been directed by somebody on scene there to take the car. So whether it's the officers who are on scene—isn't it their responsibility to tell them where the vehicle is?—or whether it is the owner who was involved in an accident or an impoundment of some sort, they've got to know where their vehicle went. We weren't driving the vehicle; we were just ordered to take it, or made arrangements to take the car.

Mr. Chris Ballard: How about if an owner of a vehicle figures out where their vehicle is and they need to remove personal property from it?

Mr. Aris Marinos: I don't know how the other operations work, but we won't keep their personal property. Most of the stuff in the car isn't worth anything anyway. As I said before, vehicles that are mostly abandoned don't even cover the tow bill and our expenses to get rid of them.

Mr. Chris Ballard: I'm not disputing that with you. I was just interested in your reiteration about the 60-day tow and whose responsibility you believe it is. I think I'll leave it there now.

The Chair (Mr. Grant Crack): Ms. Hoggarth.

Ms. Ann Hoggarth: Thank you for your presentation. I have a question; it's something you just touched on. I had an incident years ago, with my daughter and her husband having their car towed. Will this bill allow people to have their car towed to where they want it to go?

Mr. Aris Marinos: This bill has never—before that, it never stopped them. You should speak to the insurance companies about that. They won't allow you to take your car where you want it to go. They have a program set—

Ms. Ann Hoggarth: So do the police tell you where to take it?

Mr. Aris Marinos: Whoever's on scene. If you were involved in an accident and you had no other place to go, we'd take you to an impound yard. If you wanted to go to your house, we'd take it to your house, as long as we get paid for what we're doing for our job. That's all we get. We can't hold a car hostage.

There has been some bad publicity over the years, especially on the 401, I believe. Were you on the 401 when it happened?

Ms. Ann Hoggarth: I live in Barrie, and I can tell you, on the 400 and 401, I thank God that they're sitting there waiting, because it's going to happen.

Mr. Aris Marinos: There you go. Like I said before: When you need us, we're a knight in shining armour; when you don't need us, we're everything in the book. So the fact is that—

Ms. Ann Hoggarth: If it's any comfort, you're a knight in shining armour to me.

Mr. Aris Marinos: A lot of the blame in Toronto, particularly the area I work in—we are regulated, so all this nonsense that goes on in the other areas, we don't see in the city of Toronto. The 401, especially the Downsview area—that's our area. Up to about three years ago, we were all supposed to register up there—register our impound yards, our proof of insurance and everything. It was run so tight back in those days. What happened is that they let it go lax. The sergeant who was running it took a leave and then ended up retiring. So nobody's running this thing. That's where you get the complaints. This gentleman was so tough that if he caught you on the side of the shoulder, he'd charge you with careless driving. We went from having meetings once a month to every two weeks minimum. When we first started, they had a hundred complaints; when he left, they had no complaints. They let it go lax.

The Chair (Mr. Grant Crack): We'll move to the official opposition. Ms. Thompson—did you already go?

Ms. Lisa M. Thompson: I already went.

The Chair (Mr. Grant Crack): Okay, so we're done.

Thank you very much, sir. It was very informative. We appreciated you coming before the committee.

ASSOCIATED TOWERS GUILD OF ONTARIO

The Chair (Mr. Grant Crack): We have one more delegation prior to a recess. It's a great pleasure to welcome the Associated Towers Guild of Ontario. We have Mr. Rainey with us.

Welcome, sir. You have five minutes.

Mr. Steve Rainey: My name is Steve Rainey. I am the chair of the Associated Towers Guild of Ontario. We are an industry steering committee, and our mission is to establish trade certification as the baseline for the towing market. I sit before you today under the pretense of fraud, as a member of the towing industry proper—categorically accused as a co-creator of the gateway to auto insurance fraud. This was the conclusion presented by the Auto Insurance Anti-Fraud Task Force. I am here to categorically refute this pretense, and to clarify the information that led to this conclusion, so that, moving forward, Bill 15 can be amended to incorporate trade-certified tow truck operators and result in regulations that embody a voluntary code and balance the towing market naturally in the public interest. This will address the bad apples in the barrel.

This information is consistent with the Towing and Storage Advisory Group's recommendations that licensing and minimum standards be established under government's ministry in phase 1 and looks ahead to an industry-run governance model being attainable at phase 2.

The Ministry of Training, Colleges and Universities is the appropriate cornerstone for this model. Their environ-

mental scan is the tool required to lay out an accurate baseline for the towing market.

The pretense for this model is the origin of the tow truck, which was invented in 1916 by a mechanic. Now, almost 100 years later, the public can no longer rely on the credibility of mechanics and their apprentices to ensure the quality of towing services.

Current legislation fails to balance the towing market at all levels. It has the effect of deregulation, which can cause overproduction and market failure, all because it doesn't respect the true origin of the tow truck operator but rather borrows from other established pillars of legislation that don't accurately capture what a tow truck operator is or does.

Bill 15 suggests that we build a new pillar of legislation rather than simply using the laws we have. This will be very expensive. Who will pay for it? Ultimately, the consumer.

The best way to identify fraud is to have a clear and solid baseline for comparative analysis. Without a baseline, fair value is not readily discernible. It remains arbitrary, in a highly questionable light. This is where fraud hides in our economy: in the questionable light among the shadows.

In the towing market, a very large shadow is cast by the asymmetry of agencies' natural attitude towards the market. This is where I work as a tow truck operator: in the shadow of enforcement agencies, directly in that questionable light.

The tow truck operator is mission-critical to the motor vehicle collision scene. They are the fourth responder, backing up agencies in the protection of life and property every day. They have been a constant in the motor vehicle collision equation, and remain so.

Agencies, however, have made changes to their approach over the last 20 years. Police have undertaken the practice of issuing reports without actually investigating the scenes of reportable incidents. Since the accident report is the trigger for any automobile insurance event, it is clear that variations in policing, most notably the introduction of self-reporting and CRCs, have simply left the front door unattended and wide open to crime. The savings in police costs in the GTA now appear on people's insurance bills in the GTA.

The very same shadow is cast over the insurance market as the towing market: by the same agency from the same point. The tow truck operator only projects there when insurance is handed the tow bill. Not all agency tows are insurance events.

The root cause of the automobile insurance problem lies in the trigger, but towing is simply not the root factor. The towing industry is not the finance sector's to solve. So I must ask: By what right have I been summoned, along with my industry, to be sanctioned at the foot of the pillars of finance? I provide an automotive service, not a financial one. I am passed a financial instrument, a lien created and given to me in the form of an implied promise, with the consumer barely aware of me, if at all.

Estoppel suggests that an implied promise can be used as a shield but never a sword, yet I find myself at your mercy, held here by points fashioned from that very promise, held by those that it implicates, but without the support of its creator or the shield of the giver.

In fact, agencies are in touch with those they implicate with their promises and stand behind their points. They are completely absent from my fair-value considerations, so I am systematically outnumbered.

If it pleases this government, I wish to call your attention to regulating this financial instrument so that it is properly supported and not fashionable into such points. Clarity with regard to this instrument will remove the shadows of doubt from the towing market and clear up our negative apparition in the insurance market for good.

Corrective approaches, while transparent, are by nature untrue. Any true solution must respect the origin. The attitude of agencies in our markets must clearly be taken into account so we can work out how to better guard the front door of our insurance trust, together, as trusted partners. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, sir.

We shall start with Mr. Singh. You have three minutes, Mr. Singh.

Mr. Jagmeet Singh: Sure. Thank you very much.

We've heard a lot of discussion around some of the problems with the current system when it comes to tow truck driver licensing. Currently we've heard, depending on the model of the particular company, that if you're towing between a number of municipalities, you might need to carry a number of licences based in each of those municipalities. In addition, each of those municipalities might have different standards, so that a driver might have to go through certain requirements to get a licence in one and a different set of requirements in another.

One of the suggestions has been to implement perhaps a provincial standard licence that would be administered by the municipalities, but it would be a standardized licence, basically, across the province. The model you're suggesting is different from that. It's to go through the Ontario College of Trades and to use that as a model to license tow truck drivers. Can you talk about why it's better to go one way or the other? I'm open-minded; I don't really have an opinion.

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Mr. Steve Rainey: Basically, the municipalities aren't qualified to determine what my skill set is at all. They can give me a criminal record check, but that's about all they can do. Right? The municipalities aren't experts in towing. They don't educate the tower. They don't do any such things, so they really don't establish any standard for the tower.

Mr. Jagmeet Singh: That's a good point.

Mr. Steve Rainey: What they do is, they establish a business licence and control pricing, which is an economic sanction. The next thing, when the market gets too full, to control overproduction, is a quota system. It's

a top-down, enforcement-type model, and we know costs rise over time in an enforcement-type model.

What we're suggesting is that we use education as the baseline and determine the standard for the tow truck operator. But what that allows is a whole host of other regulations. It opens the door, basically, for the Ministry of Transportation.

I'm also a licensed automotive service technician. I'll use a motor vehicle inspection station system as an example. It's the entry point for cars onto our roadway. We determine if they're safe—the mechanics do, in a public-private partnership—and then the cars go on the road. But the baseline for that whole system is the trade-certified technician. There are two signatures on the certificate. My licence number goes on their certificate and then the facility. The facility has to apply to MTO. They come and make sure the facilities meet the standards, they're given a sign, and they're approved by the ministry.

Similarly, if tow truck operators were trade-certified as a subset, because we are an automotive service, then the same type of system could be applied with the Ministry of Transportation. They could essentially just mirror motor vehicle inspection stations, but instead you just call them motor vehicle impound stations.

Mr. Jagmeet Singh: Okay. Do you have any input or opinion on the CVOR requirement that was brought up?

Mr. Steve Rainey: The CVOR, absolutely. In terms of cause and effect, the reason why we're not in CVOR is because we're exempt from commercial motor vehicle status, much like an ambulance or a fire truck. It's funny: We all respond to the same scene. The only problem is that we're in the private sector; that ambulance and that fire truck are regulated to the nines.

If you create regulation then use a silhouette which is effectively exempting the tow truck, in terms of cause and effect, you have a whole host of other problems. CVOR, as far as hours of service go—because of the way the towing industry works, it's the tow truck operator that needs to be exempt from hours of service, not the truck exempt from the whole regime of safety. You want the truck to be part of CVOR. It's the tow truck operator that you need to be exempt from hours of service so that he can function properly as a tow truck operator—but only in emergency situations. You don't want to give that tow truck operator licence to use his tow truck to circumvent regulations in the trucking industry, which is kind of what you have now because you have no distinction between what a tow truck operator is and what an operator with just a G-, D- or A-class licence is.

The Chair (Mr. Grant Crack): Okay. Thank you very much—appreciate that.

We'll move to the government side. Ms. Hoggarth.

Ms. Ann Hoggarth: I take it that you think it would be a good idea if the College of Trades licensed tow truck drivers?

Mr. Steve Rainey: I don't know too much about the College of Trades. I understand it's a non-government agency that was added on to the front of the apprentice-

ship acts. My main concern is with the apprenticeship acts and the history of towing and the fact that its origin comes from the automotive trade. If the College of Trades is a factor in that, then so be it. If they guard the front doors to the College of Trades, then obviously we have to go through to the College of Trades.

Ms. Ann Hoggarth: So you don't think your members would be upset that they would have to pay to belong to the College of Trades?

Mr. Steve Rainey: Yes. People are always upset about things that sometimes happen for their own good that they don't like. Mechanics are upset because they have to pay \$120 a year now where they used to have to pay \$60. But the fact is that times are changing. If you want something for your industry, you have to invest in it. I think the College of Trades would be a good investment for the towing industry.

Ms. Ann Hoggarth: Thank you very much for your presentation.

Mr. Steve Rainey: You're welcome.

The Chair (Mr. Grant Crack): Mr. Colle.

Mr. Mike Colle: Yes, thank you, Mr. Rainey, for your very articulate and prosaic presentation. Were you an English major in school?

Mr. Steve Rainey: No. Actually, I got 23 out of the 27 required credits in high school, sir.

Mr. Mike Colle: Okay. Anyway, impressive presentation.

I'm just sort of trying to find a midpoint. The College of Trades opens up almost a whole new can of worms. On the other hand, I agree with you that we have to do something to ensure that the municipalities or whoever issues the provincial licence isn't just looking at the criminal record and saying, "Here's your licence."

Is there something maybe halfway in between where we could say, "Well, you've had so many years' experience in towing already, you've got your licensing as a mechanic etc. that you could qualify for a licence," rather than having to go back to school and qualifying? Is there sort of a halfway point?

Mr. Steve Rainey: I don't think there's a halfway point because we're talking about the barrier to entry and the barrier to exit to the industry. That's only going to happen one of two ways: Either we're going to elevate existing standards through education or the government is going to sanction us economically, which is what Bill 15 proposes to do: sanction us economically.

Mr. Mike Colle: But what about all these experienced and very good tow truck drivers and operators who exist?

Mr. Steve Rainey: Yes?

Mr. Mike Colle: You know, they're pros.

Mr. Steve Rainey: Absolutely. That's what trade certification does.

Mr. Mike Colle: So why should they go back to school?

Mr. Steve Rainey: Trade certification won't send them back to school. When I said the environmental scan was the tool to lay out the effective baseline for the towing industry—what happens is, when we do the environmental scan, they take the benefit of all that know-

ledge, all those years of experience, and they put that into a program. We're not going to send these people back to school; we're going to take what they know and we're going to put it inside a government ministry and establish a standard so that the whole industry coming up and coming forward is bound to that standard. But we have to extract that information from the industry and develop what the standard is.

Mr. Mike Colle: Yes, and if they meet the standard, they wouldn't necessarily have to go back to school, I'm saying.

Mr. Steve Rainey: Absolutely. I mean, there are a lot of people who would be grandfathered in there, right? That's part of the process with trade certification. It's not a thing where we drop the hammer and we go tell all these people—

Mr. Mike Colle: That's what I was worried about. Thanks for that clarification.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the official opposition: Ms. Thompson.

Ms. Lisa M. Thompson: Thanks very much. I have questions around the CVOR as well. Do members of your guild keep logbooks?

Mr. Steve Rainey: There's a line between trucking and towing there. What happens is we keep what's usually called a pre-trip inspection—it's what I keep—where you inspect the truck once a day. I don't keep a log, but if I travel over 160 kilometres outside of where my home base is, then I have to keep a log of my trip and what I'm doing on that trip.

Ms. Lisa M. Thompson: Okay. What's the average-hour workday for members of your guild?

Mr. Steve Rainey: It depends. Like the gentleman from CAA says, tow calls are something where we can just get loads and log miles, and log miles with our loads. It's not something we can produce and put on a shelf and stockpile. We're essentially at the mercy of the day. In rural Ontario, I may get no tow calls one day, but I have to keep myself busy doing other things during the day, so I still have to work.

If we get into hours of service, it's going to get to a point where if companies have to meet hours of service and follow them the same way that trucking companies do, drivers who log lots of hours—you're going to get into a problem where costs are going to rise because you're going to have staffing cost issues—

Ms. Lisa M. Thompson: Yes, I get that.

Mr. Steve Rainey: The whole thing is going to snowball out of control.

Ms. Lisa M. Thompson: Very good. I appreciate that. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, and thank you to all who presented in the first half of the public hearings.

Because of the way the House works, we will take a one-hour recess. We will recommence at 4 p.m.

Thanks again for everyone coming and sharing your input.

The committee recessed from 1458 to 1600.

The Chair (Mr. Grant Crack): Good afternoon, everyone: members of the committee, members of the public and support staff here. I call the meeting back to order.

Just to review the format of how things will proceed this afternoon: Each presenter will have five minutes for their presentation, followed by nine minutes of questioning, which will be approximately three minutes for each of the three parties.

FAIR VALUE COMMITTEE

The Chair (Mr. Grant Crack): At this time, we have the Fair Value Committee and its facilitator and co-chair, Mr. Gold. Welcome, sir. The floor is yours for five minutes.

Mr. Lawrence Gold: Thank you. Thank you for this opportunity to address this committee. I'll just give you a bit of background in terms of my professional background: I'm a non-practising member of the bar, I'm an Ontario bailiff, I'm a personal property appraiser and I'm a problem-solver.

What I'd like to do is address Bill 15 in terms of its total context, but I'm not going to speak about any of the fringe issues relating to rehab or any of that. I'm going to concentrate primarily on the issues relating to the RSLA. You have in front of you a package which is referenced as the "RSLA repair kit."

Effectively, the issue that I want to talk about is the impact of storage-related issues and the concept of fair value, which you're going to hear about, on the basic issue of the reduction of insurance rate costs. In five minutes, I can do not much more than basically go through the table of contents with you, and that's what I'd like to do, with a concentration specifically on the area of fair value.

You have one little piece of paper in front of you, and that's kind of like the foreword. Basically what that is giving you is the basic inception of the problem legislatively. Right now the Repair and Storage Liens Act says—and I'm referring to the little piece of paper—that when I contract with you, the appropriate amount to be charged is the amount that we agree upon. Failing agreement, we go to part (b) of section 4; it's the fair value.

The problem that we have in this province at this point in time is that, when these matters go to court, the judge looks at the plaintiff, the plaintiff looks at the defendant—everyone looks at everyone else and says, "Does anybody in this room know what fair value is?", and nobody knows what fair value is, because there is no industry-wide accepted concept of what fair value is.

Again, I would bring to your attention the fact that, in the appraisal world, we distinguish between situations in which you have fair market value and something called distress value. The difference between distress value and fair market value is that, in a fair-market-value situation, we have two parties who are contracting with one another. Both have knowledge of the facts and nobody is under duress to buy or sell.

The problem in this current situation is the fact that, because of the current construct of the RSLA, the possessory lien claimant has a possessory lien against the asset, and that asset, which is called an "article" in the act, shall not be released until the possessory lien amount that has been claimed is paid. That is the problem, and that's why we needed to create some type of methodology to determine fair value.

I'm just going to run through the table of contents with you, which is this little picture. It's called the "six-step fix." Effectively, the problem that we have within the industry is composed of five or six different problems, and I have no time but to just go over what the problems are. Number one is the issue of what fair value is. Number two is the issue that, because we don't know what fair value is, we have a situation where rates have been set by municipalities, for example, and what we have is what has been referred to as a patchwork of rates all over the map. Similar situations have occurred in regard to the police authorities. The police have stepped in in terms of police contracting, and again, rates are established with no particular regard to fair value.

At the bottom left, you'll see the issue of abandoned vehicles. You can't solve this problem unless you solve for the towers the issue of abandoned vehicles.

In the last one, you can see incident management. You heard a lot of information today in regard to the whole issue of chasing on the highways etc. I don't like the word "chasers." The fact of the matter is that the problem is that under the current methodology of incident management, we have the chase that's going on, and everybody must chase because of the methodology.

I want to very quickly take you to the fair value quantification model. The bottom line is that what had happened, as a result of the need to create a model—what we created is something called the fair value quantification model. This model can be utilized in any facility anywhere in Ontario. Effectively, what it does is follow what's called the cost-plus approach, which is enshrined in legislation in terms of quantum meruit, and you plug in your costs and then you add a profit margin and, wowie zowie, you have something called fair value.

The way it's set up, it is interactive, so for example the top number where the cursor is is 125. That represents how many vehicles are in the facility. If somebody says, "I have a 125-car facility but I'm only half full," what we do is take the 125 down to 40 and you can see the way it automatically changes the rates. Down the side, you have all of the fixed land costs and the varied business expenses. You change any one of those—so for example, I'll do something silly here and put property taxes up to \$1 million and you can see what it does to the end rate: \$811.

The Chair (Mr. Grant Crack): Sorry to interrupt. I have to do my job. Perhaps maybe someone in the committee would ask you to continue for the explanation there. We're going to move to the third party: Mr. Singh.

Mr. Jagmeet Singh: Thanks very much. I noticed that you had a six-pack in terms of the solution. Does that match up with the six-step fix for you?

Mr. Lawrence Gold: Yes.

Mr. Jagmeet Singh: Okay. And so you're suggesting that, to address the issues around the towing industry but also specifically storage as well, the six components—you mentioned fair value—

Mr. Lawrence Gold: I did mention notice, but notice must be addressed. That's a 60- to 15-day issue.

Mr. Jagmeet Singh: Right, so maybe you could just take me through some of the fixes—

Mr. Lawrence Gold: Go ahead.

Mr. Jagmeet Singh: —and tell me what you mean about—what's your position on the fix? What could we do with the notice component? And then I'll ask you some other questions.

Mr. Lawrence Gold: Immediately change the section of the act, which is section 4. Bring it down from 60 to 15 now. Forget about the regulation consulting. It has been consulted to death. It had been referenced specifically by the anti-insurance fraud task force. That which was a non-issue became recommendation number 7. It was dealt with by the Ontario Bar Association, who said, "Bring it down to 15." In fact, the task force said, "We don't even need 15 because of today's day and age." It was then reviewed again by KPMG in consulting. There's no one else to consult. Everybody knows what the issues are, and we know that the people who are on one side of the coin say there's no problem and the other people who would be paying say there is a problem. There's no one else to consult.

Mr. Jagmeet Singh: Sure. It makes sense.

On the non-compliant towers, the chase, what's the fix for that?

Mr. Lawrence Gold: The bottom line is that what's missing out of this program is the fact that where a lot of the problems emanate is from the fact that the police use a first-available call system, which means that it makes sense for people to sit at the side of the highway waiting for the catch. When you sit at the highway side for 11 hours waiting for the catch, somebody has to pay for it. Currently, it's being paid for—and I use the example of the pizza pie. When you have a six-slice pizza and you have to give away one slice of the pizza as commission, you can no longer sell a full pizza pie; you only have five slices left. What's happening now is that the amounts that are being charged don't include the commission paid out; it is basically added on to it, and that's why you effectively have a storage rate which is out of sight. When you look at these numbers, and I've been running facilities, travelling across Ontario looking at facilities, running these numbers, and you're getting huge, huge returns on investment—huge.

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Mr. Jagmeet Singh: Okay. And abandoned vehicles—what's the solution around that?

Mr. Lawrence Gold: I have a lot of sensitivity for the towing sector, because what has happened is that, as you may know—not just under the Highway Traffic Act, but under a number of pieces of legislation—there are about 20 different situations in which the police can order a car

to be impounded. It can be drunk driving. It can be street racing. It can be 100 different things. To the extent that it is a low-value vehicle, it's dumped on the towers—and forget about charging for abuse of storage; they're not even getting enough money out of it to pay for the pickup of the vehicle.

The government has to address it, and it's a multi-government issue to address it, because it involves the Ministry of the Environment, Ministry of Transportation, the towers, the auto manufacturers, and that risk has got to be spread amongst all the players. It is not appropriate to use the towing industry as your garbage disposal.

The Chair (Mr. Grant Crack): We'll move to the government: Mr. Colle.

Mr. Mike Colle: Could you just continue? What's the solution? You're a problem-solver.

Mr. Lawrence Gold: Yes, sir.

Mr. Mike Colle: What's the solution?

Mr. Lawrence Gold: Well, I had taken the opportunity to review six and a half hours of debate, and I'm trying to figure out a politically correct way to say this: I don't get a warm, fuzzy feeling that there's a total appreciation of the inter-relatedness of the various issues, and you cannot fix something unless you totally understand how it works. To fix it, you have to address all of these issues, not at once, but there are certain issues that have to be immediately addressed. If, in fact, you want to achieve the reduction of insurance premiums, we all know—and I guess the public should know—that to the extent that you decide to go to regulation in order to fix it, and by the time you get from regulation to the point where it's published etc. etc., you then have a fair period of time.

Mr. Mike Colle: Time lapse.

Mr. Lawrence Gold: A time lapse.

Mr. Mike Colle: So what would be the first step, as legislators, that you think we should do in terms of the towing?

Mr. Lawrence Gold: Immediately?

Mr. Mike Colle: Yes.

Mr. Lawrence Gold: Immediately reduce the notice period. Immediately set forth the consulting necessary to deal with the issue of proclaiming the fair value regime. Then immediately start the necessary discussions with all of the stakeholders in order to deal with the abandoned vehicle issue, and have the discussions with the police and with the Ministry of Transportation.

You have a superimposed issue, by the way, because now the Competition Bureau has stepped in and they are putting their piece on the table in terms of the issue of price-fixing and territorial fixing.

That's a hard question to answer in 30 seconds, but—

Mr. Mike Colle: But at least there's a systematic investigation that's needed because of unintended consequences and in terms of the variables that are there in the field.

So, therefore, the first step is, again, reduce it to 15 and get that determination of the fair market value. And then, the third thing I heard loud and clear: We've got to

do something about the abandoned vehicles, which are a direct impact on the costs to the towers and then, ultimately, to the driving public, who has to—

Mr. Lawrence Gold: Realistically, what I believe the tow sector would like to hear—we know it can't be solved immediately, but let the government say, "We understand that it's an issue, and we will put the steps in place in order to deal with it."

And I never read the word "abandoned" when I read the debates. It just wasn't there, and I think it should be there and must be there.

Mr. Mike Colle: It's a significant thing we should look at in consultation—

Mr. Lawrence Gold: Extremely significant.

Mr. Mike Colle: It's a cost driver.

Mr. Lawrence Gold: Based upon the report that I read produced by certain individuals in the towing profession, 36.6% of their expenses relate specifically to losses and expenses relating to dealing with abandoned vehicles. That amounts, by the way, to approximately \$20 to \$23 per day on every day of storage. That's significant.

The Chair (Mr. Grant Crack): We'll move to the official opposition: Mr. Yurek.

Mr. Jeff Yurek: Thanks very much for coming in today. I find it interesting that you brought up the towing with police contracts. I had a constituent in my riding whose trailer was stolen, taken to another county and impounded by the police. Thank goodness they found it—but for him to get the trailer back, the constituent had to pay the fees associated with that. He thought it was quite outrageous, the amount he had to pay.

I'd be interested if we could somehow make it competitive but also fair to the people out in the community, who, due to their unfortunate luck, end up having to pay these fees.

Mr. Lawrence Gold: The difficulty is that the police contract rates were established on something other than consideration of fair value. It was based upon a putting out of public tender. What I always say to people is, "If you want me to pay for dinner, you'd better tell me before you have dinner; don't tell me two weeks later, 'By the way, you're paying for dinner.' I never asked you how much it's going to cost me." That's what is happening to the consumer.

I have some real issues—by the way, I didn't get down to the nitty-gritty—

Mr. Jeff Yurek: Go ahead.

Mr. Lawrence Gold: —of the bill. There are a lot of disclosure mechanisms for the consumer. The consumer doesn't have a clue whether \$100 is right, \$200, \$300 or \$1,000, so what's the sense—there's no tie-in to the RSLA. The tie-in has to be the fair value. Then your job is done.

"Notwithstanding disclosure, the rates shall not exceed fair value." What's fair value? Go to the RSLA and then do a quantification; you'll figure it out relatively quickly.

Mr. Jeff Yurek: Have you spoken to anybody in the ministry, the bureaucratic side, about this process?

Mr. Lawrence Gold: We've spoken hours and hours and hours to the ministry. I've spoken to the police association, the chiefs of police. I've met with the municipalities. I've met with every single stakeholder, and there is consensus there. The only problem is, what you need to do is to bring them together.

Mr. Jeff Yurek: Would you have proposed amendments prepared that could be—

Mr. Lawrence Gold: You have in your package an amendment, which is basically the regulation, which is ready to be passed, which is basically the wording as to how you put that into language. Run it down the hall to your accountants at the Legislature and they'll pretty well tell you that this is nothing more than generally accepted accounting principles used by every single business in every single country anywhere in the world. It's simply cost-plus. That's what everybody works on. It doesn't benefit one side or the other. It is what it is. You have your costs and then you have your ultimate profit—10%, 15%, whatever it is. It's a fully transparent process where everybody has the opportunity to give their input and you calculate that which is "fair."

The Chair (Mr. Grant Crack): Thank you very much, Mr. Gold. Very informative, and we thank you very much for coming before the committee this afternoon. We appreciate it.

ONTARIO REHAB ALLIANCE

The Chair (Mr. Grant Crack): We have the Ontario Rehab Alliance with us. I believe we have Laurie Davis, executive director, and Nick Gurevich is past president. Welcome. The floor is yours. You have five minutes. Again, welcome.

Ms. Laurie Davis: Thank you for this opportunity.

We represent the Ontario Rehab Alliance, a non-profit association representing over 100 companies that employ more than 4,500 health care professionals. These are the primary providers of rehabilitation services to the 65,000 Ontarians injured each year in auto accidents. We share an adherence to ethical and effective business practices and strive to keep services reasonably priced and of the highest quality.

We take every opportunity to offer constructive input into policy and regulatory change. We made presentations to the dispute resolution system review panel, the pre-budget hearings, the Minister of Finance's pre-budget consultation, and made a thorough submission to FSCO's three-year review of auto insurance. We're really proud of our work on fraud prevention. We are on record supporting service provider licensing since the concept was first proposed by the anti-fraud task force, and are proud to be a participant in FSCO's ongoing service providers licensing forum.

We support this government's commitment to anti-fraud. It's essential that we deter fraudulent players and focus resources on legitimate claimants. Too many of the changes made to auto insurance have been across-the-board cuts that improved insurer profitability at the expense of accident benefits coverage for all.

We appreciate that this government is looking for savings to support reducing the cost of premiums by 15%. The two-year expedited timing of this must not be used as an excuse for more changes that will disadvantage victims. We see first-hand the heartbreaking consequences of the cuts made in 2010 and subsequent regulatory changes. Many of our seriously injured patients are running out of coverage before they get better.

We applaud the components of Bill 15 that expedite dispute resolution and extend anti-fraud measures to towing and storage. We note the proposed towing and storage bill of rights, with its obligation to disclose information to consumers, and suggest this might be a model for the accident benefits side of the equation.

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When it comes to auto insurance, consumers do not know what they are buying, and they are not getting what they think they paid for. Tragically, most don't find this out until they are injured. Most drivers assume that they are covered by the basic package and the shortfall will be picked up by our public health care system, but they're wrong. The public system cannot and does not address the gaps. The current cap of \$50,000 in med rehab benefits for serious, non-catastrophic injuries is all too often insufficient.

When changes to the statutory accident benefits schedule were made in 2010, there was much talk of improved consumer choice, with insured drivers having the option to buy up to access the \$100,000 in med rehab benefits that pre-dated 2010. But only 1.4% of drivers have done this. Even when they do buy up—and we think we probably know personally all the people who have—their benefit limits are subject to the \$3,500 minor injury guideline intended to capture up to 80% of claimants. How many drivers have any idea about this?

Many of those injured will never return to their pre-accident health and function levels. Many will find themselves fighting a losing battle with their own insurer to get the benefits they paid for. Many will lose their employment, homes and, most tragically, families.

Consumers must be better informed. Brokers too must be better informed and held accountable for providing this information to consumers at time of purchase and renewal. Policy language must be clearer. The thing about insurance is that we really only find out what we've bought when we've been in an accident.

The accountability and transparency that anti-fraud measures demand of service providers must be extended to insurers. Changes to the dispute resolution system to streamline the process will remove the right of claimants to pursue court action. Disputes will be determined by arbitrators without the power to award punitive damages, as do the courts, eliminating an important tool to keep insurer misbehaviour in check.

Experience has demonstrated that the current system does not effectively respond to insurer misbehaviour and bad faith. The system requires more, not fewer, mechanisms by which insurers can be held accountable.

We are very concerned by the latest attempt to save even more money for insurers with the proposed regula-

tion change to drastically decrease the interest required of insurers on all disputed benefits. This will eliminate one of the few mechanisms that reflects the reality that insurers exploit their financial strength at the expense of claimants. The proposed change will reduce the penalty interest rate insurers pay below the rate of return from their investments, creating an incentive for insurers to deny benefits.

Though this change impacts claims in the dispute system, we experience daily the negative side effects from the lack of accountability for misbehaving insurers. Some insurers do behave responsibly, but many do not.

Savings achieved must be passed on to consumers and insurer misbehaviour must be addressed if auto insurance is to do what it is intended for: to protect us in the event that we need it. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the government side. Mr. Colle.

Mr. Mike Colle: Yes. Anyway, thank you for your valued presentation. Just in terms of the group that you represent—the Ontario Rehab Alliance, right?

Ms. Laurie Davis: Yes.

The Chair (Mr. Grant Crack): Could you break it down in terms of who are these people, what do they do, and what titles do they have? Are they the physiotherapists? Are they massage therapists? Are they—

Ms. Laurie Davis: Certainly. We have upwards of about 100 companies. We've just had our membership renewal year, so the number is still a little bit soft. Some of those companies are sole providers, so that might be Laurie Davis, occupational therapist. Others are groups of associates, so large organizations and some larger. Altogether, we probably represent upwards of 11 different disciplines: physiotherapy, occupational therapy, speech language pathology, psychology, case management and nursing—so quite a wide range.

Mr. Mike Colle: You mentioned at the beginning that you favour the licensing or registration. What happens now in terms of people who may claim to have a certain expertise and provide rehabilitation services to accident victims? Why do we need licensing?

Ms. Laurie Davis: I think there are two levels, perhaps, to the question. One concerns that of the regulated health professionals. For instance, all the regulated health professionals—many of our members are or have regulated health professionals working with them—are subject to their own college guidelines and requirements throughout all those 12 or 15 different regulated health professions. It's through that: If you have a regulated health professional in good standing, you have a licence number—

Mr. Mike Colle: And you've got some kind of confidence there.

Ms. Laurie Davis: Right. That licenses, we might say, the clinicians. The service provider licensing regime, which is coming into place now and which we've supported, because we support a focus on fraudulent actors rather than all accident victims as a group, is essentially business licensing. It's that licensing regime

which will enable providers to bill insurers directly through HCAI, so that's two distinct levels of regulation.

Mr. Mike Colle: Some of these business people who operate these clinics bring in licensed occupational therapists, or certainly regulated ones. But then the question, I know at one time, was whether or not the owner would have to have some kind of qualifications because sometimes it wasn't the people working in the clinic who were the problem. It was the direction they were getting from an owner who was in the business for a quick profit and, therefore, not only exploiting the accident victim but also exploiting the clinicians who work for him or her.

Mr. Nick Gurevich: True, and that's exactly the intent of licensing. It's to know who you're dealing with. From a FSCO perspective, where FSCO is our regulator going forward—

The Chair (Mr. Grant Crack): Okay, thank you very much. You just started speaking, but they're way over their time already, so I apologize.

Official opposition: Ms. Thompson.

Ms. Lisa M. Thompson: Okay. It was interesting: You made in your presentation a remark that said the system requires more, not fewer, mechanisms. I was wondering if you could expand your perspective on that and share. Usually, you want less, but in this instance, you're looking for more. What types of mechanisms do you see being expanded?

Ms. Laurie Davis: Specifically, we're asking for a balance of sanctions and accountability mechanisms to be applied to insurers as well as to providers. We believe that there are too often times when insurers' practices are not in keeping with the SABS, and we don't see those being addressed as we would like to see.

Mr. Nick Gurevich: If I can just expand. The way we see the Statutory Accident Benefits Schedule is as a consumer protection piece of legislation. In the last round of reform in 2010, a number of items were taken off the table that did, in the past, protect consumers; for example, a mandatory insurer examination, whereby adjusters can't willy-nilly just deny a request for treatment or a request for assessment, but rather would have to go and get it vetted by another health care practitioner who would advise them. There were a number of other items taken off the table.

Right now we're looking at another major item, a piece of regulation that has been proposed, which is this reduction of the interest rate that we referred to in the paper. Under the proposed language, for all treatment plans, or for all services that are in dispute, the interest rate would be reduced to an equivalent of 1.3% per year. Right now it's 1% per month, and it's there by design in order to take away the incentive to deny plans. But the second you decrease the interest rate to such a low level—the proposal right now is 1.3%; it is actually below the rate of return that insurers yield on their book of investment—it creates an incentive, as a matter of fact, for them to deny it, if that would be the case. We feel that that's another way in which the victims get even more disadvantaged.

Ms. Lisa M. Thompson: Okay, thank you. Jeff?

Mr. Jeff Yurek: Is there time?

The Chair (Mr. Grant Crack): Thirty seconds, quickly.

Mr. Jeff Yurek: I haven't seen anything about peer-to-peer review, which I think would decrease the amount of rejected claims. Can you just speak to that, please?

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Ms. Laurie Davis: We have been in support of peer-to-peer review wherever that's possible. We think it would be a good practice, specifically with respect to the IE practices.

Mr. Jeff Yurek: So if a chiropractor says a patient needs back rehab, a chiropractor in the insurance industry also has to review that, not a neurosurgeon.

Ms. Laurie Davis: Ideally.

Mr. Nick Gurevich: Yes. It would simply lead to less—

Mr. Jeff Yurek: Less disputes?

Mr. Nick Gurevich: Less disputes, because then you can't say, "We're going to dispute it because"—

Ms. Laurie Davis: "He didn't understand the scope of practice."

Mr. Nick Gurevich: Exactly.

Mr. Jeff Yurek: Sounds like an easy fix.

Mr. Nick Gurevich: You'd think so.

Ms. Laurie Davis: It's one of them.

The Chair (Mr. Grant Crack): Okay. Thank you very much. We'll move to Mr. Singh from the third party.

Mr. Jagmeet Singh: Sure. Thank you. I'm just going to start off—I understand you started off with this; I just want to reiterate: I know that you absolutely support initiatives that would deal with fraud and fraud reduction. You obviously support that, but the way this bill is currently written—which, I suggest, has very little to do with fraud reduction and a lot to do with putting more profits in the pockets of insurance companies—but putting my editorializing aside, as the bill is written, do you support Bill 15?

Mr. Nick Gurevich: There is one major problem that we see, and that's with the removal of the right to sue. We feel that that's going to be a major problem for the claimants, for the victims, because it simply takes away a major recourse avenue from them.

Mr. Jagmeet Singh: Absolutely. What about the concerns around the transferring from a tribunal which had experience to dealing with these types of claims within FSCO, and those arbitrators who had experience with the case law on the manner in which these cases should be dealt with—versus now transferring it to the Licence Appeal Tribunal, with folks who don't have the same wealth of knowledge and experience with this legislative framework and this type of cases? Do you have an opinion on that?

Mr. Nick Gurevich: Again, it depends on how it's handled. If it's just a matter of letting people go out one door and then bringing them in from the other door, then that intelligence gets to be maintained, but to the extent

that they're just let go and we have to start from zero, I think that that's going to create huge inefficiency in a system that has gained traction and experience over time.

Mr. Jagmeet Singh: Can you quickly just comment on—you said that there should be more onus placed on the insurers. What do you mean by that?

Ms. Laurie Davis: We would like to see FSCO hold insurers more accountable for their behaviour, as we are.

Mr. Jagmeet Singh: Yes. In what way?

Ms. Laurie Davis: In various ways. We think that FSCO could issue superintendent's bulletins and UDAPs. We regularly bring forward to FSCO our concerns and things that we see on the front lines—everything from administrative things to late payment to inappropriate requests for personal health information. We think there are a number of ways in which the kind of scrutiny that we're seeing placed on service providers could be equally applied to insurers.

Mr. Nick Gurevich: One easy item that comes to mind was reported in the lead-up to 2010, when many headlines in newspapers were about assessment costs: Treatment and assessment costs are at 60 cents out of every treatment dollar. Well, guess what? If you look at HCAI data now, insurer examinations are at 50 cents out of every treatment dollar, so why are insurers spending 50 cents out of every treatment dollar to deny those services?

Mr. Jagmeet Singh: And just building on that point: Assessment costs have gone way down.

Mr. Nick Gurevich: Assessment costs are way down, yes.

The Chair (Mr. Grant Crack): Okay, thank you.

Thank you very much for coming before the committee. We really appreciate it.

Ms. Laurie Davis: Thank you. Thank you for your time.

The Chair (Mr. Grant Crack): You're quite welcome.

ASSOCIATED CANADIAN CAR RENTAL OPERATORS

The Chair (Mr. Grant Crack): We have with us the Associated Canadian Car Rental Operators, ACCRO. We have Mr. Craig Hirota here with us this afternoon—members' services manager. Welcome, sir. You have five minutes.

Mr. Craig Hirota: Great. Thank you for the opportunity to speak in front of the committee.

The Chair (Mr. Grant Crack): You're welcome.

Mr. Craig Hirota: Dear members of the Standing Committee on General Government, my name is Craig Hirota. I am the members' services manager for Associated Canadian Car Rental Operators, or ACCRO. ACCRO speaks on behalf of the vehicle daily rental industry in Canada.

The vehicle rental industry in Ontario operates approximately 50,000 vehicles, composed of Avis Budget Group, Inc.; Discount Canada; Enterprise Holdings, Inc.,

which is Enterprise, National and Alamo; Hertz Canada, which is Hertz, Dollar and Thrifty; U-Haul Canada; and over 160 independently operated car and truck rental businesses.

ACCRO was fortunate to be involved in the towing and storage advisory group, which discussed provincial oversight of the towing and storage industry. We were pleased to see many of the recommendations implemented in Bill 15. One of the concerns voiced by our members is the extremely high cost associated with tow and storage invoices arising from vehicle accidents or mechanical breakdowns. The collective experiences of our members support the need for consistent, province-wide regulation in order to establish predictable costs and end consumer abuse.

In April of this year, I was able to give a deputation in support of Bill 171. After presenting a real-world and unfortunately typical example of the treatment our industry receives at the hands of the types of tow and storage operators targeted by the consumer protection reforms in Bill 15, I was contacted by members within the automobile insurance industry. They had been made aware of the example that I read into the committee transcription—deliberate delays in providing an invoice of costs and a per-day storage rate in excess of \$400 a day—and contacted me to let me know that the vehicle rental industry was clearly being targeted for abuse.

I was advised that because the automobile insurers had utilized their administrative resources and contested many tow and storage bills by using a pay into court process, they did not see billing abuses to the extreme degree faced by our industry. The tow and storage operators who abuse the system instead target those who have less capacity to fight back. This revelation made me angry. Even our largest members do not have dedicated legal staff or personnel available to utilize the existing court system to fight tow and storage abuses. The challenge for our over 160 Ontario-based independently owned and operated small business owners is even more insurmountable.

In February 2014, ACCRO participated in towing and storage consultations organized by the Ministry of Consumer Services. Those consultations were also attended by representatives from the towing and storage industry. I presented some examples of questionable invoices to the attendees, but they were largely ignored or dismissed with flippant remarks. With respect to example invoices with anywhere from a \$50 to a \$250 charge for administrative fees, including one invoice with a \$157 administrative fee, none of which included any explanations for administrative fees sometimes in excess of the cost of a tow. One answer I received included the following: "Is there a specific complaint about these invoices? Administration fees are a common line item on all kinds of invoices in life like freight charges or debt retirement charges, so I'm not sure what the point is." Maybe their executives got big raises.

Considering none of the attendees from the towing and storage industry claimed to represent tow companies

typically classified as chasers, this kind of tacit approval by those one would think should be motivated to clean up the bad operators was troubling. It certainly doesn't give our members confidence that, if left to their own governance, any of the types of consumer abuse our members face would end.

Our members support the comprehensive tow and storage reforms in Bill 15. We appreciate the consolidation of items formerly contained in Bill 171 and Bill 189 because we strongly believe they are necessary to protect consumers from those operators who currently abuse the system. Disclosure of rates, provision of itemized invoices, minimal deviation from estimated payment amounts, insurance requirements, authorization of service requirements, acceptance of multiple forms of payment and establishment of qualifications and licensing are common expectations placed upon any business. None of these should be considered onerous in implementation, because if the consumer had a choice they would demand all of the above and would vote with their pocketbooks to avoid those providers who didn't meet expectations. Unfortunately, none of this has become an industry standard because services are almost always rendered when the consumer is in distress, unable to negotiate or choose an alternative service provider. In the absence of competition, the consumer protection and highway safety provisions of Bill 15 are essential to protect the rights and safety of consumers who suffer an accident or vehicle breakdown.

Thank you for your time.

The Chair (Mr. Grant Crack): Thank you, Mr. Hirota. I didn't think you'd get through that, but you beat the five minutes, so congratulations; you're the first.

We will start with the official opposition: Ms. Thompson.

Ms. Lisa M. Thompson: I found it interesting, because this afternoon we heard people advocating for exemptions from the CVOR component, and you said very explicitly, "Our members support the comprehensive tow and storage reforms in Bill 15." As you sat here this afternoon, how did you react and what were you thinking when you heard people advocating for a CVOR exemption?

Mr. Craig Hirota: I think the towing industry is unique in that certain exemptions under the CVOR program are probably appropriate for them, certainly in times of recognized highway emergencies, weather conditions etc. We would all hope that there would be an adequate number of responders available to service the scene, but what I would also like to see is the limitation on service times so that we don't see the chasers parked on the side of the road, waiting for the smell of the blood in the water to race to the next accident to be there first.

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Ms. Lisa M. Thompson: Okay. I appreciate that. That's it.

The Chair (Mr. Grant Crack): Any other questions?

Ms. Lisa M. Thompson: No.

The Chair (Mr. Grant Crack): Well, thank you very much. We'll move to Mr. Singh.

Mr. Jagmeet Singh: Thank you, sir, for your presentation. Your major concern, if I'm not mistaken, is essentially, from the automobile rental perspective, the storage fees. Is that essentially the primary concern?

Mr. Craig Hirota: It's the whole process: the storage fees, the towing fees, the associated fees that come with the service. We would just like to see some consistency and, to borrow Larry Gold's term, some fair market value. And some notice.

For example, in the invoices that I had presented that had the administrative fees, I can almost guarantee you that that particular tower did not address our customer at the time and say, "By the way, when we tow your car, we're going to charge a \$250 administrative charge." For what, I don't know, because it was handwritten, so it's not like they've got a computer system to do their invoicing for them.

It's things like that. I think those things need to be controlled, because if they're just slush funds to make up for profit shortfalls, that needs to be addressed in other ways than just tacking it on to the customer on an ad hoc basis.

Mr. Jagmeet Singh: In terms of when you deal with these types of situations, is it through the insurance company that your claims are made or is it something that the company, the rental agency itself, deals with directly?

Mr. Craig Hirota: The vast, vast majority of those end up going through the company itself. Some of them can be passed on to the customer's insurance company if they were renting a vehicle in a situation where their insurance coverage transferred over, but many of them are borne by the car companies themselves.

One thing about car rental is getting auto insurance to be a car rental company is even more challenging than getting auto insurance as a private individual.

Mr. Jagmeet Singh: Right. In terms of the components of Bill 15 outside of the tow truck and the storage, looking at the other components, you're not in a position to speak on those.

Mr. Craig Hirota: No. Those items—the accident benefits dispute etc.—are handled by our insurers, yes. So we're not involved with that.

Mr. Jagmeet Singh: Okay.

The Chair (Mr. Grant Crack): Any other—

Mr. Jagmeet Singh: Sorry?

The Chair (Mr. Grant Crack): Go ahead.

Mr. Jagmeet Singh: How much time do I have left?

The Chair (Mr. Grant Crack): Oh, sorry—about 40 seconds.

Mr. Jagmeet Singh: Okay. Have you brought any of your concerns forward to the ministry before, and in what manner did you bring them forward?

Mr. Craig Hirota: When we were involved in the consultations, we also met with various members in the government: yourself, Mr. Yurek as well as members at the Ministry of Consumer Services and the Ministry of Finance in support of the anti-fraud task force and their recommendations.

Mr. Jagmeet Singh: Okay. Thank you very much.

The Chair (Mr. Grant Crack): Thank you, Mr. Singh. We shall move to the government side: Mr. Dickson.

Mr. Joe Dickson: Thank you, Chair.

Craig, I wonder if you could give me an independent overview, because you're not in the middle of the industry. You're a service provided to those who have gotten embedded in the industry and have a serious problem. You provide a service to them; you rent them cars.

I just have a feeling, after listening to this all day long—people are making reasonable presentations, but to me, it's kind of like a dog chasing its tail: We're not getting anywhere. Some of the items that are coming forth I would agree with to some extent, but I wonder, What would you say to a legislated, mandated committee to improve insurance and to reduce insurance costs, all encompassed into one, and it had to be done, and everyone would have to make a particular comment or statement on it, or something that they see as positive or something that they see as negative?

There are probably people here who can give us better advice than people around the table, with all due respect to all of my colleagues. But when you've got two sides of lawyers, when you've got tow truck drivers, you've got tow truck owners, you've got tow truck services—everyone provides a separate service. You've got doctors, all medical staff, clinic owners—you can go on forever. There are probably 500 categories you could list them in.

What would happen if there was a mandated committee that would perhaps even be led or directed through the insurance companies in conjunction with police? Police see these things all the time. We talk about insurance rates in Ontario and why it's higher in one area than another. I can show you the areas where it's higher. If I lived there I guess I'd move, because I've got 10 or 12 vehicles and I'd want to save that money. Would that make any sense to you? We're going to come out with something, but we're not going to come out with something strong enough. The one lady today who was a 20-year victim and doesn't have her case resolved at this point in time—that's absolutely insane. The payouts to victims, when they're dropping from 5% to 1.5%—the victims are the ones who are getting hurt.

The Chair (Mr. Grant Crack): Mr. Dickson, thank you. You used the whole three minutes, so I'm just going to allow—

Mr. Joe Dickson: You understand what I'm saying, Chair. I really want an answer.

The Chair (Mr. Grant Crack): Well, I'm going to allow an answer, briefly.

Mr. Craig Hirota: I think the stakeholder consultation process is valuable. My observation, being involved in the towing and storage consultations: Some stakeholders—it can depend on what side of the issue you're on and what has been decided. I think that sometimes they don't get involved to the degree they ought to until something is really going to happen.

I think the consultation process is such that sometimes it seems like it's just work and you don't see a timetable to a resolution. But if there's a hard deadline, I think everyone will come to the table and they will work to make a workable solution or at least the best possible compromise. It's always going to be a negotiation. I don't think you're going to find the best win-win solution that's going to make everybody completely happy. But they all need to come to the table knowing that this is the last opportunity to make your presence known.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Hirota, for coming forward. We appreciate it.

ONTARIO SAFETY LEAGUE

The Chair (Mr. Grant Crack): Next we have the Ontario Safety League. We have Mr. Brian Patterson, president and chief executive officer. Welcome, sir.

Mr. Brian Patterson: Thank you.

The Chair (Mr. Grant Crack): You have, of course, five minutes followed by about nine minutes of questioning and comments from members.

Mr. Brian Patterson: It's my pleasure to appear before the committee today on a topic that I believe is important to all Ontarians and, as the last speaker indicated, somewhat misunderstood by many parties.

I come today with two hats on. I am not only the president and CEO of the Ontario Safety League—many of you know us as significant public safety advocates—but I'm also a 20-year certified fraud examiner and expert witness in the Superior Court of Ontario with relation to civil fraud. So I want to cover those two topics as best I can within that five-minute period.

We believe that Bill 15 is going in the right direction and that there could be some additional benefit derived by the regulations becoming clear as it goes forward. Right now, we can see where the act wants us to go and I think we fully support that, but we have some regulatory issues that I think are in play.

Number one: We emphatically support the commercial vehicle operator record for commercial tow truck drivers in the province of Ontario. We believe it will take a period of consultation within the MTO to come up with a working guideline that is effective. I don't want to bore you today with how exciting it is to go through commercial vehicle operator records, rules, regulations, weights etc., but I can tell you that as a safety advocate, one of the reasons we have the safest roads in North America is because we have invested significantly in how we administer the CVOR in this province specifically. It is the best tool available, in our opinion, to deal with commercial vehicles on public roadways.

The other area that I think we want to see, and we were part of the consultation—is we believe that we need to have recognized training for towing providers and that that should be reflected on the licence they carry while operating. As driving instructors have a clear designation, as people who have an air brake endorsement on their vehicle have a clear designation, it makes it far easier to

confirm that an operator is within that trained guideline. In fact, in working with a number of the towing partners in this province, we have developed a program at the initial G level that we believe could be implemented under another piece of legislation that is exciting to talk about: the driver licence certification program. The DCP could allow that to be brought into play in fairly short order and address those two issues.

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The other area that I'd like to speak to you on is the one which I think is in here and may not get as much clear play, and that's the area of fraud. With fire, you need fuel, heat and oxygen. With fraud, you need a belief that you're entitled, an opportunity to collect it and the belief that you're not going to be caught. Whether you accept the KPMG number of \$1 billion or even if we cut that in half, it's unfortunate that we have a situation where we could have \$400 million worth of fraud taking place in this province, much of it organized and not prosecuted under the Criminal Code. I think, unfortunately, we have accepted that insurance fraud should not be treated the same as other criminal fraud that takes place and, as a result, organized crime has taken a very significant role in that, unknown to many of the providers of service and unknown to the members of the public.

York Regional Police is probably the best example: Two very active police officers shut down a couple of million dollars' worth of organized fraud through good observation and the application of regular policing duties.

Training of tow truck operators, the certification of them to deliver services: Municipalities have asked us, as an independent third party, to consider that we should be able to come up with a group of requirements for any tow truck operator that could be acceptable across a number of municipalities. Currently, a lot of them regulate the industry for reasons that are not related to public safety and are related to business practice etc.

I'll happily take any questions, and I look forward to this bill going forward and the regulations being improved. Thank you very much.

The Chair (Mr. Grant Crack): Thank you very much. We will move to Mr. Singh from the third party.

Mr. Jagmeet Singh: Sure. Thank you very much, sir. Can you just speak a little bit about the—this is something that's come up before and I've read it before. First, I want to thank you for the great work you do. The statistics and the evidence show that Ontario has some of the safest roads. What do you point to when you say that?

Mr. Brian Patterson: I think, in fairness, there are a lot of stakeholders who have played an active role in getting good legislation—and we've worked with this Legislature for 100 years, so we like to take some credit for it, but not all of it. When I look at this process right now, I think we have to be able to balance enforcement and education, and less so on engineering. If we could do more training, it would be better.

Mr. Jagmeet Singh: What I meant by that question is, what evidence do you point to in terms of the safety stats?

Mr. Brian Patterson: If I take CVOR alone, for example, the enforcement of the commercial vehicle record, pulling vehicles over that are unsafe—you don't have to be on the 400 for every one of those long weekends to know how bad some of the vehicles are on the roadway. You don't have to have been trapped, as I was, coming down from Newmarket just a few days ago, with somebody who was untrained in an unsafe vehicle taking out the overhead signage on the 400. I think Ontario has done that well.

When we compare our crash rate and our miles driven in this province, we're in very, very good shape. Across the world—in fact, we're consulted both here in Canada and in Iran, Iraq, Jamaica to help them adopt policies that are similar to Ontario's going forward.

Mr. Jagmeet Singh: So based on accident rate, where do we fall in Canada?

Mr. Brian Patterson: I think we are—I can check that for you. I think we're second as far as—

Mr. Jagmeet Singh: Second as in second-least?

Mr. Brian Patterson: Yes, I think we're second—it's an obscure one. There are less crashes in PEI in one year and there are less crashes in Nunavut one year, but none of them have the traffic of the GTA, so I think we're in that category.

Mr. Jagmeet Singh: Do you have a way of measuring traffic and population density, and combining all those factors to figure out where we fall in terms of our safety?

Mr. Brian Patterson: I've been the head of the Ontario Safety League for 10 years, and for eight of those years, we were the safest in North America. The other two years, we were number two—and that's all states, all conditions. I suspect driving conditions in Nebraska are going to be as bad as here.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the government side: Ms. McMahon.

Ms. Eleanor McMahon: Thank you, Mr. Chair. Hi, Brian. Nice to see you. Thank you for your presentation.

A couple of things: Given your expertise in the arena of safety and understanding of that and given that the legislation is hoping to improve safety, as you've pointed out—I also like to think that we're focused on transparency in terms of making the towing costs clear and so on and so forth.

We've had a few speakers today talk about training for the towing industry. We'd like your thoughts on options for that, and more specifically, something that hasn't been talked about very much, but what about an idea where we would look at a ministry-approved curriculum for tow truck drivers that they would then be required to pass? That curriculum might be developed in consultation with the industry so that we could create some kind of standard that would make it safe and make consumers aware of what they were buying into.

Mr. Brian Patterson: I think the Ministry of Transportation is on that road. I've been in those consultations. We have a proposed curriculum that covers four days of training that would take that introductory level. As with

most commercial driving, it is tied to a qualification supported by the Ministry of Transportation and then effectively covered under the Driver Certification Program. We look forward to working with the ministry. I think it's going to happen, and it could happen as soon as this January.

Ms. Eleanor McMahon: Great. A supplementary, if I have time, unless one of my colleagues wants to jump in—

The Chair (Mr. Grant Crack): Yes, you have a minute and a half.

Ms. Eleanor McMahon: Would it be possible, in that regard, do you think, for companies then who submit to the training, whose operators take that training—because I know that some organizations—take the CAA, for example—already train their operators already. They would obviously be involved in some kind of consultation. They've been here today. Then consumers could know that certain operators are certified and they could be made aware. It's like an ISO 9000. You see where I'm getting at here? It's a marking certification so that consumers can understand that this company has submitted to the training, it has taken the training, it is registered and is safe.

Mr. Brian Patterson: Yes, we believe that's critical. There are excellent examples right now within MTO. The school bus driver improvement course is mandatory for all school bus drivers. It was implemented under that model. We delivered, along with quite a number of others, the air brake training model for commercial vehicles—again, strong support. We do 8,000 students there. So I think, at the end of the day, as the previous speaker said, as long as we could get it done by January, I can confidently say to you right now that it's completely doable. If it's allowed to go back into the second, third or fourth tier of consideration, it will die before the regulation can be as strong and as effective for the citizens of Ontario.

The Chair (Mr. Grant Crack): Thank you very much. Moving to the official opposition: Mr. Yurek.

Mr. Jeff Yurek: Thanks very much. Thanks for coming out, Brian. I found it great, the way you spoke about fraud occurring, the sense of entitlement and the means to do so.

It's interesting because I'm small-town rural Ontario, and people always say, "Tow truck issues aren't that big a detail," but just last winter, a girl went off the road in front of me, so I stopped to assist. Out of the blue, this guy pulls up in a car and says, "I'll tow it for 75 bucks." The girl says, "I've got CAA"—a plug for Elliott behind you. The guy goes, "Oh, I'm out of here." But who knows where he would have taken that truck and how much the other fees would have compounded upon that? I'm assuming this Bill 15 will cover issues such as that going forward.

Mr. Brian Patterson: I think the regulation, as I identified in this bill, will allow that to happen, and I think that level of confidence is important for the public. At the end of the day, if you want to say the "rogue

element"—the people who make the headlines in the papers—is not a significant part of the towing industry. There are many there who are looking forward to adopting the transparency of training and regulation going forward.

1700

Mr. Jeff Yurek: Yes. I just wanted to point that out: that, as mentioned earlier, you can point out where the high cost of auto insurance is throughout this province. But in effect, you ask anybody in this province where their auto insurance is higher, and the quicker we can get on in tackling fraud—that we've been waiting for for a few years now—the quicker everyone's rates will go down throughout the province. People in my area of the province whose rates aren't as high as, say, Brampton's rates—however, a reduction in their rates would be just as welcome here as it would be in Brampton.

Mr. Brian Patterson: We would very much like to see a task force on insurance that isn't government relations-led, and is led in a practical component. I can tell you, we'd love to see a provincial fraud hotline. I can tell you, anybody who has implemented it—whether it's the city of Toronto, corporations—it has paid off in spades. Lots of people out there seem to know whether somebody's jamming the insurance industry for their own personal benefit, and it would be nice to be able to tell that.

I have my own story: I got really, really scammed up when I was hit from behind on the 404. Had I not been the president of the Ontario Safety League and had not had the access to the industry that I have, and the fact that people would respond to my calls, my insurer could have paid out \$25,000 on my behalf to a rogue operator. It had nothing to do with towing because I wasn't towed. When I arrived there, I even got a swag bag with a backpack full of seat stuff.

I think, at the end of the day, less GR advice and more practical advice. If you listen to the SIU investigative teams that are out there, just invite this detective from York region to tell you their \$2-million case and how straightforward it was for them to prosecute it. I think members of the Legislature would have a better understanding from a certified fraud examiner's perspective as to why we really have a legit problem in this province that ought to be addressed.

The Chair (Mr. Grant Crack): Thank you very much. We appreciate you coming before the committee. It's very helpful.

Mr. Brian Patterson: Thanks very much.

The Chair (Mr. Grant Crack): You're welcome, Mr. Patterson.

TOWING AND RECOVERY PROFESSIONALS OF ONTARIO

The Chair (Mr. Grant Crack): We have next the Towing and Recovery Professionals of Ontario. I believe we have Mr. Michael Gasmann here, who is the director. We welcome you, sir, and look forward to your comments. The floor is yours.

Mr. Michael Gasmann: I know I'm going to run dry.

The Chair (Mr. Grant Crack): It's okay. Go ahead.

Mr. Michael Gasmann: Thank you for making this time available. My name is Michael Gasmann. I've operated towing and recovery operations from bases along the Trans-Canada Highway for the past 30 years. I represent the Towing and Recovery Professionals of Ontario.

This is an eleventh-hour plea from dozens of family businesses and independent tow and recovery operators from across the province of Ontario and indeed the GTA for the government to re-examine the process, findings and recommendations of the Ministry of Consumer Services Towing Advisory and Storage Advisory groups. These groups were born from the pressures of the insurance industry rubbing up against the willing leg of government, both with legitimate desires to curb fraud in the insurance industry.

Yes, there is fraud in the insurance industry and indeed in the automotive sector. The results are very finely defined geographically, as expressed in the Duncan report. Mr. Duncan spoke: We will "take strong steps to crack down on fraud by making changes that will" reduce insurance rates.

The failure, I see, was to direct the aim and focus of these efforts on the unethical, fraudulent, business and criminal elements in the very small geographical area that was driving the results of his report pertaining to fraud in towing, storage, body shop, and indeed, collision centres. Indeed, it was no surprise to find ground zero to be the intersection of Highways 400 and 401 and a 60-kilometre radius around the GTA.

When we have a brain tumour, we treat it with a target-specific remedy. When we have leukemia, we have an infection of the whole body, and we utilize remedies, indeed, to involve the whole body and being.

We urge the government—right now, with all due respect—which is like a greyhound chasing a rabbit, to slow down, re-engage your vast resources, the bounty of a Liberal majority government, from one border to the other. The whole towing being is not infected. Examine how your Ministry of Consumer Services has failed to screen some key stakeholders invited to the Towing and Storage Advisory Group. Their actions and opinions have tainted some of the results.

Who, you ask? Put yourself and a few members of a group called the PTAO, the Provincial Towing Association of Ontario—in itself a misnomer. To the public that would bring a connotation that this must be the body that represents all of the towing industry in the province of Ontario. So wrong: That group is indeed about 125 members, roughly 5% of the towing industry. Doug Nelson, their executive director, made a tell-tale prejudicial statement to Mr. Cheney of the *Globe and Mail* in December 2013 when he said, "I think the towing industry is worse than" Somali pirates. "At least the pirates let you know what they're up to ... you don't even know you're getting robbed until you see the bill."

Did that man speak for all of the towing industry in Ontario and his membership? I would suggest the nega-

tive. Yet immediately after, the Ministry of Consumer Services asked this man to their panel—and quite justly, with a full career and a wealth of knowledge. But I would suggest, in light of his position with the Provincial Towing Association of Ontario, his obviously slanted viewpoint indicates a man who is singing pretty, looking for a treat and not representing his industry. Certainly, he misled your advisory group.

Speaking of malintentioned and borderline criminal: Dara Carpenter, manager of the towing and storage unit for Intact Insurance. Intact Insurance itself, corporate, and their legal counsel, Lisa Carr, were the subject of a scathing letter from the Ministry of the Attorney General. The chief counsel for the OPP, Mr. Norman Feaver, wrote, in regard directly to Intact corporately, that, "Dara Carpenter, as the lead of towing and storage, and Lisa Carr have fabricated with the intent to use in court." Norm Feaver: "I've been advised that these documents were not authored by the OPP, that no such documents exist. Can you please confirm that you will not use these documents in the course of this matter nor any matters further? Mr. Gasmann has my consent to file a copy of this letter with the court."

These are the people who will fabricate evidence and misrepresent a crown agency such as the OPP in an effort to reduce towing rates in Ontario, and fraud, apparently. The Ministry of Consumer Services had two of these people on their panel.

The judge in this particular matter, Justice Howe, went on to write in his decision: "I find the evidence given by Ms. Carpenter of Intact Insurance to be less than reliable." This person is also an ad hoc member, I believe, of the Fair Value Committee that presented to us earlier. You may have heard from them today. Again, I suggest: highly conflicted.

There are people who are dragging this rabbit that the government is chasing. I would suggest: Be the hawks, slow down, alight on a branch, take a look over the land and gain some objectivity in this matter from your constituents before you legislate and impose rules and regulations that may prove so onerous and laden with costs in compliance that it will certainly mean reduction of services and closure of family businesses.

Do we need to get fraud controlled in the GTA? Absolutely. We propose in our group to help with the majority of the industry who indeed are professionals, with lifetimes and generations invested in our industry. Our group of professionals has the vision, business acumen and the support necessary to, hand-in-hand with the government and the stakeholder agencies—the MTO, OPP, the Ministry of Consumer Services, the Ministry of Finance—self-govern our industry. "Where were we?" I know you're going to ask. Well, we're not engaged because the highest diligence befell the government, which would be to identify the people you wish to legislate.

The Chair (Mr. Grant Crack): Okay, thank you very much, Mr. Gasmann. We went over a minute there so I appreciate it. Maybe one of the other parties will allow you to finish. I apologize, but we'll move to the government side. Ms. Hoggarth?

Ms. Ann Hoggarth: Hi, how are you?

Mr. Michael Gasmann: I'm well, thank you.

Ms. Ann Hoggarth: It was very nice of you to come all that distance to make a representation. You must feel very strongly.

Mr. Michael Gasmann: I do.

Ms. Ann Hoggarth: I'm glad to hear from you. The fact that you think there would be closure of family businesses: Is that to do with the length of time that people can be out? What is it that you think will cause the small tow businesses to close?

1710

Mr. Michael Gasmann: Well, it will be two things. It'll be compression of the rates, as is the active engagement of the insurance industry currently, and there are going to be costs—and I would suggest that we're going to embrace some of these costs with open arms, such as the CVOR, if we can modify certain things such as the number of hours driven and hours of service.

Training—from around the table and presentations, it sounds like it's nonexistent. Well, our board of directors is populated with Mr. Justin Cruse, who owns WreckMaster of Canada, a continental provider of training and certification services embraced by 14 states in the United States as the benchmark trainer for the industry.

We have that in St. Catharines. He is on our board. Any of the rural towers who I have canvassed, and certainly urban towers as well, from Ottawa, right through the Ottawa Valley, up our Trans-Canada Highway—which, again, is an artery for the economy of Ontario—right through to the Manitoba border—I have taken the WreckMaster training. My son has taken it, my daughter has taken it and, indeed, virtually every tow company that I know of is WreckMaster-certified.

I've engaged a friend, the president of Canadore College, and another friend, Mr. Bramburger, program director of Algonquin College in Pembroke, with the idea of laying out a curriculum and a program. Indeed, that's very easy to facilitate. Some of it should be done in our high schools. We should be graduating students with CPR. St. John's first aid, WHMIS—workplace hazardous materials. There's a host of good background certifications and training that could indeed take place at the public-school level.

Just to finish: You asked what was going to cause the loss of business. We need to step back. We don't need accountants to brief us on this; we need an economist. There's a difference between a business model and a business plan. In grade 9 economics, when I opened the book, it was written by an economist, and the first page was supply and demand. The second page was supply and demand over market. Then you need to take a look at your market. The GTA is extraordinary. It's as extraordinary as our markets on the Trans-Canada Highway.

My friend from the Ontario Safety Council spoke to the declining accident rates on the Trans-Canada Highway. He is correct. The accident rates are down 23% in the upper Ottawa Valley, Mr. Yakabuski. Part of that is because people are afraid to drive on the roads in the

wintertime and, in all sincerity, there are people who are gauging it: "Do we need to go to Pembroke for groceries? No, we're going to wait till the snowstorm is over."

What we're having, though, are multi-commercial-vehicle, serious crashes that you wish to address with your Bill 30 on incident management. I'm going to suggest again—

The Chair (Mr. Grant Crack): Okay. Sorry, sir. Hopefully one of the other parties will let you finish.

Mr. Michael Gasmann: That's fine.

The Chair (Mr. Grant Crack): We're over by another minute. We're being quite lenient here, so thank you.

Mr. Yakabuski?

Mr. John Yakabuski: Thank you very much, Michael, for coming down today. I know what a hardship that is for you. I know how busy you are up on the Highway 17 corridor. If we'd had hearings travel the province, you could've had them much closer to home, so I appreciate you making that trip here. I drive not quite as far as you live, but I drive that route all the time, and it's a long drive.

You mentioned in your presentation about slowing this down. You've been an advocate for tow truck operators and the towing and recovery professionals. In the submissions that you've made to the ministry—because I know this bill was up before; I think it was Bill 175 or whatever—you and I, with many of your colleagues, met in my office. Were there any changes in this bill that represent any of the points that you have made in the past about how this bill has to be changed to be more representative of the needs of all parts of Ontario?

Mr. Michael Gasmann: No. To answer your question, the only thing that developed with that stretch of time was an aggressive action on the part of the insurance companies to go out and, indeed, reset the rates themselves to pay legitimate invoices into court, completely and totally circumventing the process of the Ministry of Consumer Services, who have the parameters well set to define and comply with the rules of economics. The next thing was competition that indeed defines fair value.

So the only thing that happened in that stretch of time is the insurance industry ran away, ran to court, misrepresented government agencies in an aggressive plan to financially damage the towing industry, and hammered us into compliance.

Mr. John Yakabuski: So none of the suggestions that you've made to the ministry were acted upon whatsoever.

Mr. Michael Gasmann: I'm not sure. There's nothing definitive in—

Mr. John Yakabuski: It's not reflected in the new legislation.

Mr. Michael Gasmann: Reading the new legislation, no. There are parts of it that are possibly more onerous with respect to the CVOR.

Mr. John Yakabuski: One of the things you spoke about to me in the past, Michael, was how they're implementing changes in here that are specifically designed to

deal with the problem, specifically in the GTA, that simply don't apply in our area, and some of the flat rates that they're talking about bear no relation to the kinds of difficult towing jobs we have along—

Mr. Michael Gasmann: That would be true. If you pick any multi-lane element in the GTA, it's hazardous. It has its own hazards. It has its own variables in terms of time.

On the 2nd of February, at 3 in the morning—minus 30; 20 centimetres of snow on the ground—the OPP called, from Smiths Falls communications centre: “Can you expedite to kilometre 67, Bissett Creek, in advance of our cruisers? The EMS are tied up. Cruisers, EMS and MTO will be behind you.” When we got there, they advised us—the report had come in—two people in the vehicle and a baby, 30 metres down the embankment.

So we don't have a big element of fraud there. What we have is an element of goodwill. I would suggest to everybody, in everybody's riding—not to be excluded in the GTA—the vast majority of towers are selfless.

The Chair (Mr. Grant Crack): We'll move to the third party: Mr. Singh.

Mr. Jagmeet Singh: You've covered most of the areas. In closing, if you could just summarize what would make this bill more feasible for—what would you need to see done to make this not have such a devastating impact on—

Mr. Michael Gasmann: Well, I had a long conversation today with a friend, Cam Woolley, a former traffic sergeant with the OPP and now with Bell Media. He grabbed the towing issues in the GTA, grabbed hold of the wheel, 15 years ago, and scared it out of the ditch, so to speak.

It was based on oversight. It was based on pulling the problems in and sitting them around the table and telling them, “We're going to have some criteria here now. We're going to examine your equipment. We're going to make sure that your drivers are licensed. We're going to make sure you're insured. We're going to make sure that you've got the support that's required in your area,” which is vehicles for lane closures, sublet companies set up to remediate environmental so that we can expedite things. The funny thing is, we're driven by expectations. The OPP want it fast—we need to open up the highways. Auto clubs and insurance want it cheap. Clients want quality, and they deserve quality. One way or another, they're paying for it.

That's a business model. You cannot have it fast and good without it being expensive, and that indeed is the way it is in the GTA. You have to ramp these procedures up. You need to have your traffic people, environmental people, your medium-duty towing, your heavy towing. Everybody has to be there on scene to remediate these things quickly. That's not going to be cheap. If you want it cheap, then it's going to cost you in terms of time. Your highways will be blocked.

We've got the same thing on the Trans-Canada Highway. The 401 is an artery, but if you check with the OPP, their criteria for notifying government agencies such as

the Ministry of Energy when there's a plutonium shipment or when there's something hot going on the highway—Brink's, for instance—20 minutes; that's it. If the road is closed any more than 20 minutes, there are telephones going off in Toronto and then there are people engaging their various ministries to expedite this.

1720

We don't understand what the problem is. Some of the fastest service comes from Grant Transport, which hauls our liquor across the province. You don't want to slow the tax dollar down either.

The Chair (Mr. Grant Crack): That's for sure. Thank you very much, Mr. Gasmann. We appreciate your input. Thanks for coming.

CANADIAN FINANCE AND LEASING ASSOCIATION

The Chair (Mr. Grant Crack): Next we have, from the Canadian Finance and Leasing Association, Matthew Poirier, director of policy. Before we start, I'd just like to tell you that Matthew is from my home county of Gengarry county, right near my hometown of Alexandria. I'm very proud of him, as a director of policy. I know his father very well, having played hockey and golf and baseball and worked with him as well. It's great to see a familiar face.

Mr. Joe Dickson: Does that mean that the Chair is in conflict?

The Chair (Mr. Grant Crack): There's no conflict of interest, but I still will be hard on you as far as time goes, sir.

Mr. Matthew Poirier: That's fine.

The Chair (Mr. Grant Crack): Welcome, Mr. Poirier. It's great to have you here. The floor is yours.

Mr. Matthew Poirier: Thank you. Good afternoon, everyone. My name is Matthew Poirier and I'm the director of policy at the Canadian Finance and Leasing Association. Thank you for the opportunity to speak to you today.

The Canadian Finance and Leasing Association, or CFLA for short, represents the asset-based financing, equipment and vehicle leasing industry in Canada. With over \$300 billion of financing in place with Canadian businesses and consumers, the asset-based financing industry is the largest provider of debt financing in this country after the traditional lenders: banks and credit unions. The three major business sectors of our industry are equipment finance, commercial automotive finance and consumer automotive finance, which includes all the auto manufacturer finance companies, such as Ford, GM, Toyota and Honda, based here in Ontario.

Our association has been working with the Ontario government on this file for many months. We are pleased with the progress that has been made. Our common objective is to eliminate unnecessary costs from the system—unnecessary costs that all Ontarians end up paying for. Our industry is seriously affected by abuses of the Repair and Storage Liens Act, the RSLA, specific-

ally the problems of excessive vehicle storage and towing charges and unauthorized vehicle repairs.

We support Bill 15. Our industry is encouraged by the actions taken by the government to address the serious problems plaguing the towing and storage sectors in Ontario. We believe that the practical solutions contained within Bill 15 will benefit both business and consumers alike.

I want to raise three matters for this committee to consider.

Number one, reducing the notice period that storers have to advise vehicle owners: Subsection 4(4) of the act currently allows storers up to 60 days to notify owners or secured creditors that their vehicle is being stored. Typically, storers will wait the full 60 days before sending any notice. This allows storers to take advantage of the act and impose substantial daily storage charges. This extended delay is unnecessary and costly. With today's easy communications technologies, a much shorter turnaround is possible. Many consultations over the last three years have confirmed that this delay period should be reduced from 60 to no more than 15 days.

The government has conducted exhaustive consultations on this question. All stakeholders have been heard. The Ontario Bar Association supports the change. Recommendation 7 of the province's own Auto Insurance Anti-Fraud Task Force said that the RSLA should be amended to reduce unreasonable storage costs. The Ministry of Consumer Services' industry consultation this past winter supported a reduction. No further consultation on this issue is needed.

The simplest fix is to replace the words "60 days" in subsection 4(4) of the act with the words "15 days." This change can be made now to say that a storer has 15 days instead of 60 to give notice.

Number two, addressing unauthorized repair costs: To further reduce unfair and unnecessary costs to the system, the CFLA supports the idea that repairers be required to obtain prior permission from owners and lienholders before proceeding with costly vehicle repair work. Too often, priority liens under the RSLA are used to impose excessive invoices for unneeded and unauthorized vehicle repair. Repairers should have to seek written consent before proceeding with any work in excess of a certain dollar amount, say \$5,000, and on a specific class of larger vehicles. This would help reduce expensive unauthorized repair costs that our members are often stuck with.

Number three: We support the work of the Fair Value Committee. The CFLA is working closely with the Fair Value Committee for storage, towing, and repair rates. We support this initiative. We feel it is important for industry to find solutions to the problems of excessive storage, towing, and repair charges, solutions that involve all interested parties working toward fair and reasonable province-wide standards. If everyone can rely on recognized formulas enshrined in law to determine fair value, it will go a long way to reaching our common objective: to eliminate unnecessary costs from the system, unnecessary costs that we all end up paying for.

To sum up, the Canadian Finance and Leasing Association supports Bill 15. We urge the government to reduce the notification period for advising owners and lien holders of stored vehicles to 15 days now. We ask that this change be made in the act. We don't see the need to wait for a further 18 to 24 months to take action. We also encourage the government to take measures to reduce the problem of costly and unauthorized vehicle repairs. And lastly, we ask that the government move quickly to implement Bill 15. Any delay in this bill becoming law only prolongs the negative impact on business, consumers and the Ontario economy.

On behalf of the Canadian Finance and Leasing Association, I'd like to thank you for your time.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Poirier.

We'll move to the official opposition: Ms. Thompson.

Ms. Lisa M. Thompson: It's interesting. The last person who just shared his deputation was suggesting the whole process needs to slow down and you're recommending that we need to continue moving quickly. You also reflected on being involved with this file for many months. How many times did you have an opportunity to consult on this particular bill?

Mr. Matthew Poirier: Would that be on behalf of the CFLA or the Fair Value Committee?

Ms. Lisa M. Thompson: Both.

Mr. Matthew Poirier: The CFLA has been part of the ministry's stakeholder outreach that took place last February.

In terms of the Fair Value Committee, we've had four big formal meetings since that time, in addition to smaller meetings with all individual stakeholders, including towers.

So we feel, especially from the point of view of the Fair Value Committee, that we've really reached out to everyone involved and included everyone in the process.

Ms. Lisa M. Thompson: Were you involved in managing the stakeholder relations—those meetings? Did you help facilitate the—

Mr. Matthew Poirier: We aided in the facilitation. The Fair Value Committee—I believe you heard from Larry Gold earlier. He is more or less the chairperson of that, and we facilitated.

Ms. Lisa M. Thompson: Were you here for the entire deputation today?

Mr. Matthew Poirier: No. I just heard the last four.

Ms. Lisa M. Thompson: Okay. At 2:30, we had a deputation from the North American Auto Accident Pictures, Towing Division, and he suggested that those four meetings for the Fair Value Committee was nothing but a smokescreen. How do you react to that?

Mr. Matthew Poirier: I don't think that's a fair characterization. Initially, for practical reasons, the Fair Value Committee had a small group, but it was eventually expanded to include all stakeholders at the table.

Ms. Lisa M. Thompson: He felt it was a canned process: that the recommendation was already in the can and it was a waste of his time.

Mr. Matthew Poirier: The formula that we came up with was the process of all these meetings' work, of running the formula that we came up with by these people and getting input and changing it. So I don't think that's fair.

The Chair (Mr. Grant Crack): We'll move to Mr. Singh. I know that the government is very energetic to move forward here, but Mr. Singh, you have the floor.

1730

Mr. Jagmeet Singh: Thank you. I have no questions.

The Chair (Mr. Grant Crack): No questions?

Mr. Jagmeet Singh: No, thanks.

The Chair (Mr. Grant Crack): Okay. We'll move to the government: Ms. Hoggarth.

Interjection.

The Chair (Mr. Grant Crack): I'm sorry, Mr. Ballard. He keeps putting up his hand, and I haven't acknowledged him.

Ms. Ann Hoggarth: I won't take a long time.

Mr. Chris Ballard: I'm on his blind side.

Ms. Ann Hoggarth: I just want to make sure that what's going to happen is that this money your group is going to save is going to be passed on to the consumers. Is that what's going to happen?

Mr. Matthew Poirier: I think that our industry is sufficiently competitive that any advantage that they can take to beat out their competition and offer it to consumers, they'll take it, certainly.

Ms. Ann Hoggarth: So that's a "yes."

Mr. Matthew Poirier: I would think it's safe to say yes.

Ms. Ann Hoggarth: Thank you.

The Chair (Mr. Grant Crack): Mr. Ballard.

Mr. Chris Ballard: I don't have any—no, just kidding.

Just a very simple question: One of the things that I picked up from the group the MPP just referred to that made a deputation earlier was around notification. Obviously you want to move from 60 days to 15 days immediately. The process of notification, though: Any thoughts on who should undertake that notification? It was their view that the police who authorized the tow truck to take the car away, the vehicle away, should be informing the consumer. Currently, it's the compound. Any thoughts on that?

Mr. Matthew Poirier: I think it would be incumbent on the person filing the possessory lien to do that. That would be the storer, or the tower, in that instance. At the end of the day, it should be their responsibility to advise the owner.

Mr. Chris Ballard: That one got me a little bit confused, but I just wanted to run it by at least one other organization.

Really, that was the key question. My other question had been answered. I'm not sure if anyone else has anything.

Mr. Mike Colle: I know leasing is becoming a larger and larger proportion of the automobile market. Right? I think it's about 43%, in the back of my mind, somehow.

Mr. Matthew Poirier: It's around that number.

Mr. Mike Colle: I think we own one car and lease the other.

I know that people from the car rental agencies were here. Mr. Hirota, who was here, was saying that there seems to be a pattern of kind of targeting cars that have been rented because I guess the person in the accident doesn't feel it's their vehicle, and so they sort of feel, "I don't have any skin in the game," maybe, as much. Do you find that same type of thing happening with people who have leased vehicles in the leasing industry?

Mr. Matthew Poirier: I would say that there is incentive within the current system of the RSLA for abuse—not incentive, but there's room for it, not to judge the motives of storers or towers. I would say that having that long period of 60 days without having to provide any notice, the lienholder—in the instance, our members—could rack up a pretty big bill during that time.

Mr. Mike Colle: How much would it be a day?

Mr. Matthew Poirier: It depends on the rates, but we have seen rates as high as \$100 a day.

Mr. Mike Colle: It's 60 days that it could be sitting, so that time is big money.

The other thing that happens—

Mr. Matthew Poirier: Also, the problem is that the lienholder can't know that the vehicle is being stored until that notice is issued by the storer.

Mr. Mike Colle: So he wouldn't even know where it is.

Mr. Matthew Poirier: Right.

Mr. Mike Colle: And then the other thing that's peculiar in this is that—

The Chair (Mr. Grant Crack): Very quickly, Mr. Colle, please.

Mr. Mike Colle: —the police don't seem to be in any hurry to notify someone who has had their car stolen, for instance, or something. I know of one case where the person had been in contact with the police: "They stole my car. Let me know what you find out about the car." Then they got a registered letter in the mail from the big impounder here in Toronto, up there on Keele and whatever. It said, "We have your car in the shop. If you don't pick it up, it's so many dollars per day."

The person phoned the cops and said, "Listen, the car was in the pound for over a week." He said to the police officer, "Why wouldn't you call me and tell me that you recovered the vehicle a week ago?" So there's no incentive for the police even to inform the person. They would have saved all kinds of money. For the person who runs the pound, it's money in the bank for him every day, so there's no incentive for him or her to notify the person. The police don't seem to have an incentive, and they're saying, "Oh, well, the rule is that we have to notify you by registered mail within so many days," so—

The Chair (Mr. Grant Crack): Thank you very much, Mr. Colle. No response?

Mr. Matthew Poirier: Just to say that, if we can reduce the amount of time that it spends there from 60 to 15, it would make a world of difference.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Poirier, for coming forward and addressing the committee this afternoon.

Mr. Matthew Poirier: Thank you.

The Chair (Mr. Grant Crack): We appreciate it.

CODE YELLOW TOWING

The Chair (Mr. Grant Crack): Last, but certainly equally important, we have Code Yellow Towing. Mr. Behrendt, I believe, is with us this afternoon.

Mr. Ron Behrendt: Hi. Yes, thank you. I'm Ron Behrendt from Code Yellow Towing.

The Chair (Mr. Grant Crack): Welcome.

Mr. Ron Behrendt: In 2008, I fell by accident into the towing industry. My expertise was long-haul trucking, so I can compare CVOR and towing issues.

There are three problems in this issue. I wasn't prepared to do this; I prepared this in three hours. Last night I downloaded a package for you, and it's got the New Brunswick annual towing thing in it. Highlighted on that page is page 1 and page 2 and page 13, but if we go to those real quickly, what you'll see on page 1 is that \$701 is the average cost for everybody to be insured in New Brunswick, which is government-run. These are 2013 financials that I pulled off the Internet that were responsible there.

Page 2 is very interesting. Did you know that auto insurance rates in New Brunswick have declined every year since 2004? Since 2004, every year, they've gone down. Isn't that amazing?

Today I got served by Intact Insurance, and I have two lawsuits for \$250 for my towing bills. I'll leave that out of the picture. That's not why I'm here, but that's what brought me here.

If we go to this—I'm part of the PTAO, but I'm not. Excuse me. What it is is that the PTAO came to the table, and they were looking for a clear distinction of towing and recovery. I agree with the towing and recovery; they're two totally different things: whether a car is upside-down, training level, if you need more than one truck etc.

There has to be a definition with light- and medium-duty towing, but what they left out was unlock service. Somewhere in your folder is a small one-page thing that in Alberta a tow truck cannot unlock a baby in a car because he needs a locksmith licence. He cannot get your money out of the car because he needs a locksmith licence. I don't know if it's a federal law or what it is, but they're providing a service to you people, and that has been missed.

If we go to OMVIC: I didn't understand, but I do see that that should be exempt. On 65.7, the time of licence application and renewal named as a third party: I agree with that. They have 65.8, the development of pricing purposes combined for incident management service, and I agree that there should be a formula.

If I can touch base with that—you can go on the Internet—my proposal is that Texas has a great system

for towing, and so does California. They already have all these laws enacted. They have price rate controls. They have insurance regulations on how it all works.

My preference is Texas for your issue there. In 65.10: "... shall disclose to the consumer whose vehicle is being towed ... the nature and extent of the interest." The location is not the operator. What I have found is that, in order to get ahead in this industry in five years, I had to be the tow truck driver, not the owner, so I befriended a lot of tow trucks in the industry to get marketing opinions and so forth—"Hey, I'm just a tower. What are you guys doing?", etc. It's amazing how body shops give \$400 to a tower to bring it in there, and 10 points. I said, "What is 10 points?" It's 10% of the bill. I've heard as high as 18% of the bill, and this was five days ago.

Is there fraud? Yes, but in one way I'm seeing that the issue also is that our government of Canada has allowed Intact to be the largest in the country. If I take their financial reports here in 2008, they have \$127 million in profit, \$147 million in the following year, then \$600 million, \$700 million and \$800 million.

Ms. Ann Hoggarth: Sorry, who makes that?

Mr. Ron Behrendt: That goes to your stockholders. They are driven by the stockholders to make money, and what I'm seeing in the insurance industry—the chairman of the board here, Claude Dussault of Intact, in his annual report, says, "We are committed to operating our home insurance business"—and other insurance—"at a combined ratio of 95% or better, even if catastrophic losses remain at elevated levels, as observed in recent years. To attain this objective, we are taking actions that will generate gradual benefits over the next 24 ... months. These actions include continued tailoring of our offering by type of peril with differentiation in pricing, coverage, claims management incentives and intensified prevention"—which is me, \$250 in towing—"and loss mitigation incentives."

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We've driven to where the province of New Brunswick and the same insurance companies that are in here, that are listed in that—I think it was page 16—have to apply for rate changes. Every insurance company since 2004 has gone down, and this year they are asking for a 19.58% lower rate to 1% or 2%—every one—just to get the New Brunswick money. But here, we, in Ontario, are paying for it.

My answer to this is, it starts with the old boys' club.

The Chair (Mr. Grant Crack): Okay, thank you very much. We're just a bit over the five minutes. We'll start with the NDP.

Mr. Jagmeet Singh: Sure, thank you very much. So as it stands, would you support Bill 15?

Mr. Ron Behrendt: A hundred per cent; it must go through.

Mr. Jagmeet Singh: Okay. Are there any specific amendments that you would like to see come through?

Mr. Ron Behrendt: There have to be police guidelines. It's all over the board; it's an old boys' club, a cabal—drivers and officers who are on the force. Drivers

of the tow truck companies—it's an old boys' club. If you can't give the government guidelines for the police on how to behave and act at the front line—that has to be the first place.

Mr. Jagmeet Singh: Okay, thank you. Those are all my questions. Thanks.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the government side. Mr. Colle.

Mr. Mike Colle: I thank you for your very candid presentation; it's very refreshing. You sort of hit the nail on the head in that there is no control. The tow truck driver picks up a vehicle, brings it into the shop, and then there is some kind of arrangement with the shop. It's an incentive, it's a commission, whatever you want to call it.

Mr. Ron Behrendt: I'm out in the Kitchener area. The black line is Highway 6 and 401. Anything east of Highway 6 and 401, it's a unique billing practice. Anything the other way, it's controlled and there are 16 towing companies.

It's a business model that we're very proud of. It's called the Waterloo Regional Towing Association. We're called out on rotation—16 business partners—and anyone can join that has two trucks, the proper equipment, workers' compensation and safety criteria to work hand in hand with the EMS, police and so forth. We go out one after one, one after another.

Mr. Mike Colle: Which police forces do you deal with then—Kitchener-Waterloo regional?

Mr. Ron Behrendt: The Ontario Provincial Police, the Waterloo regional police, and we touch base with the Wellington county OPP.

Mr. Mike Colle: How is that arrangement or that—

Mr. Ron Behrendt: It's a verbal agreement in which the OPP and the Waterloo regional police sit at our tables once a month and we have meetings. We go with suggested maximum guidelines, work time, quality of trucks, safety inspections, proper insurance, and a proper secured pound so there's no theft and pilferage while it's there for three days for the insurance company.

We have \$50, \$45, \$35 and \$25 rates in our area, depending on which vendor decides to make a contractual agreement. The insurance companies tend, at a \$7 rate, not to pick up their cars, and people are stuck with objects and everything, so the common denominator seems to be between \$35 and \$50 for storage.

Mr. Mike Colle: Whereas inside the GTA, here especially, it's basically like the Wild West.

Mr. Ron Behrendt: Yes.

Mr. Mike Colle: I know. I've mentioned this in a hearing before, where I've got my local auto shop repair guy, Rocky, and he—

Mr. Ron Behrendt: I agree with you. One of the things is, lose every insurance adjuster out there to look at a vehicle. If you had a government adjuster in place and everything is on a repair book—Mitchell Repair, ALLDATA, whatever it is—a body, a light, \$10, \$20, 15 minutes. If you had a government adjuster that billed the insurance company and/or whoever or whatever happens, they would be the mediator between the tow truck driver bringing it to the facility and the mediator to the repairer,

and back to the consumer. But it would be government-controlled because someone's right there saying, "This is \$5, that's \$6 and this is how it is."

Mr. Mike Colle: Because right now, it's totally out of line. I was given the example—

Mr. Ron Behrendt: The adjusters I've seen send 20 vehicles to a body shop and they get a three-week vacation on the beach.

Mr. Mike Colle: We don't know what those arrangements are.

The other example I was going to give is where the vehicle is brought in to the car dealership across the street from the auto body shop, right on Dufferin. So Rocky gets on the phone, phones the car dealership across the street and says, "You have my client's car over there. He wants me to fix it." The guy at the car dealership tells Rocky, "You ain't getting the car unless you pay the \$2,000 administration fee."

Mr. Ron Behrendt: That wouldn't happen if you had a government adjuster regulating it. He's the one who controls who gets it, and he's doing the appraisal. All that person would get is a \$50 storage date until the day he appraised it. That adjuster would have the right to move it to your facility of confidence.

The other thing is, all the towing trucks should be GPS-tracked. That gives billing accountability. I agree with the 15-day storage notice for the primary person. Sometimes, as the gentleman before me said, there's a leasing company and the owner—we're obligated through ARRIS, and this is important. Everybody has a chance for ARRIS to find out who owns a vehicle within 10 minutes of it in their pound. It's a legal entity from the Ministry of Transport, and then the second one can be noticed in 30 days. If insurance companies had joint ventures with towing, they wouldn't be at the retail level and be at this table. And if all authorized repairs were not verbal, as they can be in the Repair and Storage Liens Act—if they are faxed or lettered, you wouldn't have that complaint.

We started a release system. If the children smash up Mom and Dad's car—I don't care if they're in Cuba. Fax their driver's licence so they know what's going on and find out where they want their car to go. We have the technology—

The Chair (Mr. Grant Crack): We'll move to the official opposition and Ms. Thompson.

Ms. Lisa M. Thompson: You mentioned at the outset that you were a long-haul driver.

Mr. Ron Behrendt: Right.

Ms. Lisa M. Thompson: I'd appreciate your perspective on the CVOR application to tow truck drivers.

Mr. Ron Behrendt: In your package, I think the very last page is what—

Ms. Lisa M. Thompson: The log sheet?

Mr. Ron Behrendt: Yes, the log sheet. That's what the people have to put up with.

Ms. Lisa M. Thompson: Yes, I'm familiar with it.

Mr. Ron Behrendt: I drew just one example in there. The way the CVOR is set up now—and most people start at 7 o'clock. At the eight-hour period, which is 3 o'clock

rush hour, it is a mandatory two-hour “go home to bed, eat, sleep and drink” period. Congratulations to gridlock in Toronto.

Yes, I’m for CVOR, but it must have emergency measures in there.

Also in there is the labour board. Who has power—the labour board or the Ministry of Transport? The labour board says—that section is also attached in your file—that under emergency conditions, I can put the man to work, but who’s going to fine and penalize me—including if he’s a kitchen cook to supply a hospital, but we’re not deemed emergency vehicles? You left us out.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Behrendt, for your very informative presentation. We appreciate you being here, and we appreciate all those who came today to participate in the public hearing component of our committee work.

There’s no further business. This meeting will be adjourned. Thanks to the members of the committee and the Clerk.

We will be meeting on Monday, November 17 to do clause-by-clause consideration of the bill. This meeting is adjourned.

The committee adjourned at 1748.

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of Ontario

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de l'Ontario

Première session, 41^e législature

**Official Report
of Debates
(Hansard)**

Monday 17 November 2014

**Journal
des débats
(Hansard)**

Lundi 17 novembre 2014

**Standing Committee on
General Government**

Fighting Fraud
and Reducing Automobile
Insurance Rates Act, 2014

**Comité permanent des
affaires gouvernementales**

Loi de 2014 de lutte contre
la fraude et de réduction
des taux d'assurance-automobile

Chair: Grant Crack
Clerk: Sylwia Przewdziecki

Président : Grant Crack
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 17 November 2014

Lundi 17 novembre 2014

The committee met at 1403 in committee room 2.

ELECTION OF ACTING CHAIR

The Clerk of the Committee (Ms. Sylwia Przedziecki): Good afternoon, honourable members. Owing to the absence of both the Chair and the Vice-Chair, it is my duty to call upon you to elect an Acting Chair. Are there any nominations? Mr. Colle.

Mr. Mike Colle: I'd like to nominate the member from Etobicoke North as the Chair.

The Clerk of the Committee (Ms. Sylwia Przedziecki): Does the member from Etobicoke North accept the nomination?

Mr. Shafiq Qaadri: I am honoured by the confidence you've bestowed upon me. Yes.

The Clerk of the Committee (Ms. Sylwia Przedziecki): Are there any further nominations? There being none, I declare the nominations closed and Mr. Qaadri duly elected Acting Chair of the committee.

The Acting Chair (Mr. Shafiq Qaadri): J'appelle à l'ordre cette séance du comité du gouvernement général. Chers collègues, bienvenue, et aussi nos visiteurs.

I understand, Ms. Thompson, you have a point of order you would like to raise right off the bat. The floor is yours.

Ms. Lisa M. Thompson: Yes, I do. Thank you very much, Chair. When we last met during deputations, I misspoke. While we were hearing from Matthew Poirier, I referenced a deputation from the North American Auto Accident Pictures, Towing Division. He had suggested that the four meetings he attended by KPMG were a smokescreen, and I misspoke by referring to the Fair Value Committee. I would just like the Hansard to reflect this correction: that when I was speaking to Matthew Poirier regarding the smokescreen we had heard about in a previous deputation, we were talking about KPMG and not the Fair Value Committee.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson. All members are, of course, invited to correct their record at leisure. If I might just respectfully suggest, perhaps you might provide whatever the correction was in writing to ease the burden upon Hansard, who was looking a bit nervous at that.

FIGHTING FRAUD
AND REDUCING AUTOMOBILE
INSURANCE RATES ACT, 2014LOI DE 2014 DE LUTTE CONTRE
LA FRAUDE ET DE RÉDUCTION
DES TAUX D'ASSURANCE-AUTOMOBILE

Consideration of the following bill:

Bill 15, An Act to amend various statutes in the interest of reducing insurance fraud, enhancing tow and storage service and providing for other matters regarding vehicles and highways / Projet de loi 15, Loi visant à modifier diverses lois dans le but de réduire la fraude à l'assurance, d'améliorer les services de remorquage et d'entreposage et de traiter d'autres questions touchant aux véhicules et aux voies publiques.

The Acting Chair (Mr. Shafiq Qaadri): Are there any further issues before we begin clause-by-clause consideration? Seeing none, I would invite the members of the PC Party to please present motion 1.

Interjection.

The Acting Chair (Mr. Shafiq Qaadri): As corrected by the Clerk, we have actually three sections for which, so far, no motions have been received. We'd like to go through those first before the presentation of a motion which hits, I believe, section 3.

Are there any general comments with reference to the title of the bill and/or sections 1, 2 or 3? Shall I interpret sections 1, 2 and 3 carried as so far presented?

Interjection.

The Acting Chair (Mr. Shafiq Qaadri): Is it the will of the committee that we can consider all three sections simultaneously? No objections? Shall sections 1, 2 and 3 carry? Carried.

Schedule 1, section 1: so far, no motions received. Shall schedule 1, section 1, carry as written? No objections? Carried.

We now come, finally, to a motion. Schedule 1, section 2, PC motion 1: The floor is yours, Ms. Thompson.

Ms. Lisa M. Thompson: I move that section 65.1 of the Consumer Protection Act, 2002, as set out in section 2 of schedule 1 to the bill, be amended by adding the following definitions:

"storage services" has the meaning provided for in the regulations; ('services d'entreposage')

“tow services” has the meaning provided for in the regulations; (‘services de remorquage’)

The Acting Chair (Mr. Shafiq Qaadri): Are there any comments before we vote on PC motion 1, as read? Mr. Singh and then Ms. Albanese.

Mr. Jagmeet Singh: Just the explanation for that. What would be the purpose of that?

Ms. Lisa M. Thompson: To your question, we want to make sure that—in reality, there are different services. There are storage services and towing services, so we want to recognize that they, in some instances, are totally separate entities.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Singh, is that satisfactory, or do you have any other—

Mr. Jagmeet Singh: Yes. So the way it’s written now is “tow and storage services” and “tow and storage providers,” so you want to separate that so that it’s “storage services” separate and “tow services” separate?

Ms. Lisa M. Thompson: Correct, yes.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Ms. Albanese.

Mrs. Laura Albanese: I think that this would significantly limit the regulation-making authority, to have the two definitions, and in a way that is unnecessary.

Ms. Lisa M. Thompson: Do you agree that in some instances there can be different services, like a separate entity for towing and a separate entity for storage?

Mrs. Laura Albanese: But I think that those decisions would need to be made by the regulation-making authority, and we shouldn’t limit that at this point in time—

Interjection: Not in legislation.

Mrs. Laura Albanese: Not in legislation.

1410

Ms. Lisa M. Thompson: Well, that’s our position.

The Acting Chair (Mr. Shafiq Qaadri): Any further comments before we proceed to the vote? Mr. Singh.

Mr. Jagmeet Singh: Yes, just very briefly: It’s just in the definition component at 65.1. I don’t see how separating the two definitions would in any way affect regulation-making authority. It’s just indicating there are two different services. I mean, there is a difference between “towing” versus “storage.” I don’t really see how that affects us in any way. To me, it’s not a very major change, and it doesn’t change anything, so I have no issue with it. I don’t see how it hurts us in any way or impedes anything. I’m looking at the bill; I don’t see how that would affect us.

Mrs. Laura Albanese: I think if you read together the proposed motions from 1 to 11, then they could be interpreted to support a more limited regulation-making authority.

The Acting Chair (Mr. Shafiq Qaadri): Any further comments? Proceed to the vote? Fine. All in favour of PC motion 1? All opposed? I declare PC motion 1 to have been lost.

Ms. Thompson, the floor is yours: PC motion 2.

Ms. Lisa M. Thompson: I move that section 65.2 of the Consumer Protection Act, 2002, as set out in section

2 of schedule 1 to the bill, be struck out and the following substituted:

“Application

“65.2(1) This part applies to consumer transactions involving one or more of tow and storage services regardless of,

“(a) whether the authorization for the services is made by the owner or driver of a vehicle, a person acting on behalf of the owner or driver or a prescribed person; and

“(b) whether payment for the transaction is made or reimbursed by a third party, including a commercial or governmental entity.

“Non-application

“(2) This part or any provision of this part does not apply,

“(a) in respect of prescribed persons or with respect to prescribed circumstances; or

“(b) to a consumer transaction involving one or more of tow and storage services with respect to a commercial motor vehicle as defined in subsection 1(1) of the Highway Traffic Act.”

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson. Comments before we proceed to the vote, if any? Seeing none, those in favour of PC motion 2? Those opposed? PC motion 2 is lost.

Ms. Thompson, the floor is yours: PC motion 3.

Ms. Lisa M. Thompson: I move that subsection 65.4(2) of the Consumer Protection Act, 2002, as set out in section 2 of schedule 1 to the bill, be amended by striking out “10 per cent” and substituting “15 per cent”.

The Acting Chair (Mr. Shafiq Qaadri): Questions, comments, irritants? Yes? No. Oh, Mr. Singh.

Mr. Jagmeet Singh: Just what the rationale is for that.

The Acting Chair (Mr. Shafiq Qaadri): Pardon me?

Mr. Jagmeet Singh: What is the rationale for this amendment?

Ms. Lisa M. Thompson: Estimates are very tough to nail down specifically, so this just gives them a little bit more wriggle room—some flexibility.

The Acting Chair (Mr. Shafiq Qaadri): The honourable Christopher Ballard, our newly minted MPP for Newmarket.

Mr. Chris Ballard: Thank you. My concern on the motion is that I fear it would be contradictory to section 10 of the current Consumer Protection Act, resulting in less protection for consumers than they currently enjoy or the bill as proposed would put into play. I can’t support anything that would weaken what we’re trying to put in place here to protect consumers.

Ms. Lisa M. Thompson: Do you agree or disagree that targeting a number is tough to estimate, in your experience? We just want to introduce a little bit more flexibility. That’s all.

Mr. Chris Ballard: I understand what you’re trying to do. I’m just concerned that it’s going to go against even the current Consumer Protection Act.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Further comments, questions? Seeing none, we’ll pro-

ceed to the vote. Those in favour of PC motion 3? Those opposed? I declare PC motion 3 to have been lost.

PC motion 4: Ms. Thompson, the floor is yours.

Ms. Lisa M. Thompson: I move that subsection 65.10(1) of the Consumer Protection Act, 2002, as set out in section 2 of schedule 1 to the bill, be struck out and the following substituted:

“Disclosure of towing destination

“65.10(1) A tow and storage provider who has a vehicle of a consumer towed to a location for repair, storage, appraisal or similar purposes shall disclose the location to the consumer and to any other persons that may be prescribed and the disclosure shall be done in accordance with the prescribed requirements and in the prescribed form and manner.”

Le Président suppléant (M. Shafiq Qaadri): Merci, madame Thompson. Y a-t-il des questions ou commentaires sur PC motion 4? Mr. Ballard.

Mr. Chris Ballard: Thank you again, and thank you for putting that forward.

The concern I have about the proposed motion revolves around the disclosure of appropriate information to the consumer. I fear that the proposed amendment would reduce the amount of information that the owner of the vehicle—the consumer—would have disclosed to him or her. Instead of disclosing, for example, the indirect relationship between the tow and the storage space operator, that would not be as clear, I believe anyway, with this proposal. The tow and storage provider would only be required to disclose the location to which the vehicle was towed, not the relationship between the towing company and the storage yard. So I can't support it as is.

Ms. Lisa M. Thompson: Okay. But this is about the disclosure of the location. Have you ever experienced this?

I can tell you that on Thanksgiving weekend a year ago, my stepdaughter driving to the University of Ottawa was in a fender-bender on Highway 401, and it is difficult. Her dad wasn't home straight away. It's very difficult.

What does “indirect” mean, then? Can you clarify that for us? Because it was difficult, and we pulled a lot of hair trying to get things settled.

Mr. Chris Ballard: We're here, and one of the reasons that we're here and moving ahead with this bill is exactly what you're talking about. It's about communicating with consumers. As you know, now, the current legislation gives storage facilities up to 60 days before they have to notify. So the proposed bill is going to address that. I just get worried that, again, if we begin to create potential solutions that are in legislation rather than in regulation, we take away some flexibility in future.

Ms. Lisa M. Thompson: Well, can you help us, because it's that indirectness—

Mrs. Laura Albanese: If I may.

Ms. Lisa M. Thompson: Laura?

The Acting Chair (Mr. Shafiq Qaadri): Madame Albanese.

Mrs. Laura Albanese: You were making an example, and I'd like to make one too. I've been in that situation myself. What happens is, you don't know the relationship between the towing company and the storage company. That's what, I think, “indirect” is meant by the relationship—how to clear that up.

By just disclosing the location, you're not disclosing the relationship. You don't know if it's owned by the same people. So I think that by setting it in regulation, you have an opportunity not to just focus on the location but on a wider range of relationships.

Ms. Lisa M. Thompson: Okay.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Singh.

Mr. Jagmeet Singh: Just a quick question to legislative counsel, if I could ask your opinion, sir. Does 65.10, the amendment provided, in any way provide more information in terms of the disclosure of the location than is suggested by the existing 65.10?

Mr. Ralph Armstrong: I would say it provides for different information. What is there is about the interest; this provides simply about location. So they seem to be doing something somewhat different—if I'm understanding your question, sir.

Mr. Jagmeet Singh: No, you are, absolutely.

Interjection.

Mr. Jagmeet Singh: Oh, yes, right. That's true. Yes, it's true. It's just disclosure of interest.

Just a quick question to the government, then: Is there another method by which the government is proposing that the disclosure of the location be very clearly made or required by the towing or storage?

The Acting Chair (Mr. Shafiq Qaadri): Mr. Ballard?

Mr. Chris Ballard: My understanding of the proposed bill is that, yes, storage operators will have—right now, they have 60 days to disclose location, and that will be reduced, but the aspect of disclosing where the vehicle is being held remains in force. In fact, the amount of time will be reduced. Reduced by how much, we're not sure yet. There's some discussion. But it will be reduced.

1420

Mr. Jagmeet Singh: Thank you.

Ms. Lisa M. Thompson: If I may?

The Acting Chair (Mr. Shafiq Qaadri): Mr. Singh, did you need—

Mr. Jagmeet Singh: That's it. Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Ms. Thompson.

Ms. Lisa M. Thompson: I would just like to share that in proposing this amendment, we're doing so in the spirit of transparency. Our proposed amendment would require that every single time, the location would have to be disclosed. That's what we're going for right here.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Ballard.

Mr. Chris Ballard: And my understanding of the proposed bill is that that's exactly what is going to take place; it's already covered off.

Mrs. Laura Albanese: Plus the interest.

Mr. Chris Ballard: Yes—plus the disclosed or undisclosed interest between the towing company, and the relationship between the towing company and the storage area.

Le Président suppléant (M. Shafiq Qaadri): Plus de commentaires, questions, débats?

Maintenant, le vote : pour PC motion 4? Contre? Motion défaite.

The PC motion is lost.

We'll now proceed to PC motion 5: Ms. Thompson.

Ms. Lisa M. Thompson: I move that section 65.11 of the Consumer Protection Act, 2002, as set out in section 2 of schedule 1 to the bill, be amended by adding the following subsection:

“Posting

“(3) A tow and storage provider shall post a copy of the Tow and Storage Consumers Bill of Rights in accordance with the prescribed requirements, if any, at its business office and on its website on the Internet, if any, and shall include a copy of the Tow and Storage Consumers Bill of Rights in accordance with the prescribed requirements, if any, in its current statement of rates described in section 65.8.”

The Acting Chair (Mr. Shafiq Qaadri): Comments on PC motion 5? Mrs. Albanese.

Mrs. Laura Albanese: If I understand this correctly, you're proposing to post a copy of the Tow and Storage Consumers Bill of Rights at the business office and on the Internet site, if there is one, and to include a copy in the statement of rates. Right?

Ms. Lisa M. Thompson: Yes.

Mrs. Laura Albanese: But this, in a way, presumes that the tow and storage provider has a business office. This is an undefined term, I think, in the Consumer Protection Act. The bill already proposes the provider to provide the consumer with a copy of the Tow and Storage Consumers Bill of Rights. That basically covers the consumer protection. However, if they don't have an office, and if that's not required by the Consumer Protection Act, it might be a conflict.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Yurek.

Mr. Jeff Yurek: Sorry, I don't understand your point. If they don't have a business office, then they simply don't post it; they don't have a business office. You're handing over a piece of paper to the consumer.

Mrs. Laura Albanese: Right.

Mr. Jeff Yurek: This is covering more than just that. This is blanketing the system so that, as an uninformed person, I can go on their website and go, “Oh, this is my bill of rights. That's good to know”—being proactive in understanding the system as opposed to reactive.

When, in fact, you are in an accident, there's quite a high possibility that you're so shaken up that you don't even read this piece of paper that you're handed. Maybe down the road you might toss it out. If it's on their Internet site or if they do have a business office, they can drop by there and talk to them and notice it posted. This is purely protecting the consumer as opposed to limiting it under your proposal.

The Acting Chair (Mr. Shafiq Qaadri): Further comments? Mr. Ballard.

Mr. Chris Ballard: I really appreciate the spirit in which you're making these comments. Consumer education is key to consumer protection. I share some of the concerns that “business” isn't necessarily defined, so if we tell people they must post it at their office—they may not have an office.

Mr. Jeff Yurek: Then they don't post it.

Mr. Chris Ballard: We want to make sure, though, that what we don't lose—and this amendment, I fear, would—the fact that you get a piece of paper handed to you, that you're provided with that piece of paper at the appropriate time. I think the thing to keep in mind and I go back to is: What do we ensconce in legislation and what do we put in regulation? I think this is one of those things that we can work on when it comes time to setting the regulations.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Ballard. Mr. Yurek, then, back.

Mr. Jeff Yurek: Just further to that comment: We're not striking out any part of the bill that stops them from receiving handwritten information. We're actually adding to maximize the consumer protection, and I just don't understand why you don't see that as beneficial to the people of Ontario.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Ballard.

Mr. Chris Ballard: It very well may come out when we are engaged in consultations with the stakeholders exactly how that communication is made, when it's made, that sort of thing. But, again, do we ensconce this in legislation, or do we debate and discuss through consultations and regulations? My personal preference would be through consultation and regulation. But I certainly agree with both of you that more information is better.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Yurek.

Mr. Jeff Yurek: My question then is, if you want to have the spirit of consultation, the time to do it, instead of rushing this through committee, is actually listening at committee and going forward. Now we're going forward with the hopes that you'll have customer protection—hopefully it'll come up in regulations. We could have done this without having to time-allocate this bill to come forward and cover this. We're covering it now, so you don't have to hope it happens down the road. Again, I don't see the common sense other than that you're following your talking points to vote against this motion. But think about it for a second: You're expanding customer protection, you're not touching the bill, and at the end of the day, that's still going to happen. This is an expansion of it. Think a little ahead before you vote against this motion.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Singh has the floor at some point but if you'd just let them finish this perhaps. Madame Albanese.

Mrs. Laura Albanese: The only thing I wanted to point out is that I believe that the consumer is protected already by the framework of the bill. The consumer

protection is there; the consumer will be handed a copy at the moment.

I understand where you're coming from; at the same time, the ministry will be consulting with stakeholders, and I think that there's always a value in consulting with the people that are in the front row of what they do. I appreciate what you're saying. I think the consumer is protected because they will be receiving a copy, and we should find additional ways to strengthen that protection through consultation with the stakeholders and through regulation.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Singh is still deferred. Ms. Thompson.

Ms. Lisa M. Thompson: Can you expand at this time on the methodology around the consultations that you just referred to?

Mrs. Laura Albanese: We don't have the particulars. We just know that the ministry intends to consult with stakeholders. But that is something that I am sure they will be willing to provide.

The Acting Chair (Mr. Shafiq Qaadri): Ms. Thompson.

Ms. Lisa M. Thompson: I just want to be on record as saying that we've seen previously how, through your time allocations, debate and deputations have been limited, and I'm quite concerned over your consultative reach. It must include all of Ontario, not just folks who can drive into Toronto.

Le Président suppléant (M. Shafiq Qaadri): Merci, madame Thompson. Je passe la parole à vous, monsieur Singh.

M. Jagmeet Singh: Merci. C'est un grand plaisir de parler avec vous et tous les membres ici.

This amendment is a really straightforward amendment. It's really not that complicated. The way it's worded, it says: "if any," in reference to website or office. So if there's no office or website, then they are precluded. So it's not really onerous. If you have a website or an office, then you would be required to fall within this posting requirement, but otherwise it wouldn't affect you. It doesn't take away from subsection (1), which requires that the storage provider or tower provide a copy to the actual person being towed. So that still remains in subsection (1). And subsection (3) just requires an additional posting requirement. I don't see how that's onerous, and I don't really see that there's a big issue with it. It's not going to impede the bill, or the way that you hope for it to function. It's just an additional posting requirement.

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It's really of negligible impact to the overall bill. It's just basically saying, "Post it on the website or in your office," if you have an office. I don't see how that's difficult. You could just essentially print it off on a printer and tape it on your wall. That's posting it in the office. And the Internet: If you have a website, you just add an extra link on the website. It's not really hard to do.

Mr. Jeff Yurek: It's because it's a PC motion.

Mr. Jagmeet Singh: I'm not particularly beholden to the motion. I just don't see it being very onerous. I would

support it just because it's not a big deal and it's encouraging a bit more education and awareness, so why not?

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Further comments before the vote? Seeing none, we will proceed to the vote.

All those in favour of PC motion 5? Those opposed? PC motion 5 is defeated.

Ms. Thompson, you have the floor: PC motion 6.

Ms. Lisa M. Thompson: I move that section 65.12 of the Consumer Protection Act, 2002, as set out in section 2 of schedule 1 to the bill, be amended by adding the following subsection:

"Exception

"(1.1) A tow and storage provider that provides tow and storage services in respect of a vehicle of a consumer is not required to provide access under subsection (1) if the consumer has abandoned the vehicle."

The Acting Chair (Mr. Shafiq Qaadri): Comments? Questions?

Mr. Chris Ballard: The only comment really that leaps out at me—and again, consumer access to a vehicle in storage we well know is one of the irritants, the major irritants, that consumers tell us about. When their vehicle is in storage, they can't access their personal effects.

The problem I have with this is in the defining of "abandoned." It's not defined under the Consumer Protection Act, and my fear is that because it is not clearly defined in legislation or regulation, we are going to have an awful lot of consumer complaints, consumer disputes. For that reason, I have difficulty supporting it.

The Acting Chair (Mr. Shafiq Qaadri): Further comments?

Ms. Lisa M. Thompson: Well, perhaps "abandoned" could be defined through your consultations.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson.

Mr. Singh, did you have—

Mr. Jagmeet Singh: I just have to agree with Mr. Ballard's comments. In this particular case, because the word "abandoned" isn't defined, it does actually open up a potential whole suite of problems where someone can dispute whether they didn't contact the storage provider for a certain amount of time because they just were unable to, they were ill, they were sick, they were just not in a position to be able to contact them or to retrieve the vehicle, and it could be deemed abandoned. It would then be more difficult to have access to it. I can see how this could be a significant problem, so because of "abandoned" not being clear, I would not support it.

The Acting Chair (Mr. Shafiq Qaadri): Further comments? Seeing none, we will proceed with the vote.

Those in favour of PC motion 6? Those opposed to PC motion 6? PC motion 6 is lost.

Ms. Thompson, you have the floor with PC motion 7.

Ms. Lisa M. Thompson: I move that subsection 65.12, section 3, of the Consumer Protection Act, 2002, as set out in section 2—sorry about that, Chair. Do you want me to reread that?

The Acting Chair (Mr. Shafiq Qaadri): If you might.

Ms. Lisa M. Thompson: Okay. I move that subsection 65.12(3) of the Consumer Protection Act, 2002, as set out in section 2 of schedule 1 to the bill, be amended by adding “or unless the access takes place outside normal office hours” at the end.

The Acting Chair (Mr. Shafiq Qaadri): Ms. Thompson, could you just repeat the numbers there: 65.12(3)? Is that what you said?

Ms. Lisa M. Thompson: Yes, 65.12(3) of the Consumer Protection Act.

The Acting Chair (Mr. Shafiq Qaadri): That’s 65.12, subsection (3).

Ms. Lisa M. Thompson: That’s what I tried to say the first time.

The Acting Chair (Mr. Shafiq Qaadri): Please say it now.

Ms. Lisa M. Thompson: Okay, 65.12, subsection (3).

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Any comments on PC motion 7?

Mrs. Laura Albanese: The comment I have, or I guess the question, is: What constitutes normal business hours?

Ms. Lisa M. Thompson: It would be defined by the tow service provider’s website etc. Again, as I said, the providers have a variety of ways to identify their normal office hours, but this just keeps it open-ended so that, you know, if something happens at 1 in the morning, there’s that flexibility tied in there again.

The Acting Chair (Mr. Shafiq Qaadri): Further comments before we proceed to the vote? Those in favour of PC motion 7? Those opposed to PC motion 7? PC motion 7 is lost.

Ms. Thompson, you have the floor: PC motion 8.

Ms. Lisa M. Thompson: I move that section 65.15 of the Consumer Protection Act, 2002, as set out in section 2 of schedule 1 to the bill, be amended by striking out “cash or any other prescribed payment method” and substituting “or cash”.

The Acting Chair (Mr. Shafiq Qaadri): Comments? Mr. Ballard.

Mr. Chris Ballard: The concern I have with this one is that obviously, requiring tow and storage providers to accept payment by credit card, cash—

The Acting Chair (Mr. Shafiq Qaadri): Mr. Ballard, could I just get you a little closer to the mike, there?

Mr. Chris Ballard: How’s that?

The Acting Chair (Mr. Shafiq Qaadri): You have to speak, and they’ll tell you.

Mr. Chris Ballard: Speak into the mike.

The proposed amendment speaks to the requirement for tow and storage providers to accept payment by credit card or cash for tow storage services. My concern is that it removes the flexibility to prescribe other payment methods by regulation. I go back to earlier comments I’ve made: What do we ensconce in legislation? What do we put into regulation? Personally, I would rather keep this in regulation so we can be more flexible.

The Acting Chair (Mr. Shafiq Qaadri): Further comments? Ms. Thompson.

Ms. Lisa M. Thompson: Well, I find it interesting. We’ve just had a number of motions trying to introduce flexibility, and here, credit cards and cash are still allowed. When it has “or ... prescribed payment method,” what are you talking about: foreign currency, travellers’ cheques? The ambiguity there is jumping out at us.

The Acting Chair (Mr. Shafiq Qaadri): Further comments? Ms. Albanese.

Mrs. Laura Albanese: I guess the only thing I would say is: I beg to differ; I think they’re all trying to add flexibility, at least in my view.

The Acting Chair (Mr. Shafiq Qaadri): I’ll proceed, then, to the vote on PC motion 8. Those in favour? Those opposed? PC motion 8 is lost.

Ms. Thompson, you have the floor: PC motion 9.

Ms. Lisa M. Thompson: I move that section 2 of schedule 1 to the bill be amended by striking out section 65.18 of the Consumer Protection Act, 2002.

The Acting Chair (Mr. Shafiq Qaadri): Comments? We’ll proceed to the vote. Those in favour of PC motion 9? Those opposed? PC motion 9 is lost.

We will now consider that section. Shall schedule 1, section 2, carry? Carried.

I now invite the committee to do a block consideration of schedule 1, sections 3 to 7, inclusive. May I have that as the will of the committee? There are no amendments or motions or anything so far presented, by the way. Shall schedule 1, sections 3 to 7, inclusive, carry? Carried.

Ms. Thompson, you have the floor for presentation of PC motion 10 for schedule 1, section 8.

Ms. Lisa M. Thompson: I move that clause 123(7.1)(a) of the Consumer Protection Act, 2002, as set out in section 2 of schedule 1 to the bill, be struck out and the following substituted:

“(a) respecting any matters that may be prescribed for the purposes of part VI.1 or that are described in that part as provided for in the regulations;”

The Acting Chair (Mr. Shafiq Qaadri): Comments? No further comments? We’ll proceed, then, to the vote. Those in favour of PC motion 10? Those opposed? PC motion 10 is lost.

Ms. Thompson, you have the floor: PC motion 11.

Ms. Lisa M. Thompson: I move that clause 123(7.1)(c) of the Consumer Protection Act, 2002, as set out in section 2 of schedule 1 to the bill, be struck out.

The Acting Chair (Mr. Shafiq Qaadri): Comments? Seeing none, we’ll proceed to the vote. Those in favour of PC motion 11? Those opposed? PC motion 11 is lost.

Ms. Thompson, you have the floor: PC motion 12.

Ms. Lisa M. Thompson: I move that clause 123(7.1)(1) of the Consumer Protection Act, 2002, as set out in section 2 of schedule 1 to the bill, be struck out.

The Acting Chair (Mr. Shafiq Qaadri): Ms. Thompson, I need you to just repeat that for our collective knowledge. Here. That’s an “L.”

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Ms. Lisa M. Thompson: “L”?

The Acting Chair (Mr. Shafiq Qaadri): Just reread it, if you might, please.

Ms. Lisa M. Thompson: Very good. I move that clause 123(7.1)(l) of the Consumer Protection Act, 2002, as set out in section 2 of schedule 1 to the bill, be struck out.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Comments on PC motion 12? Seeing none, we’ll proceed to the vote. Those in favour of PC motion 12? Those opposed? I declare PC motion 12 to have been defeated.

We’ll proceed now to the consideration of that section. Shall schedule 1, section 8, carry? Carried.

We’ll now consider schedule 1, section 9, for which no motions have so far been received. Shall schedule 1, section 9, carry? Carried.

Shall schedule 1 carry? Carried. Thank you, colleagues.

We’ll now move to consideration of schedule 2, section 1, PC motion 13. Ms. Thompson, the floor is yours.

Ms. Lisa M. Thompson: I move that subsection 1(10) of the Highway Traffic Act, as set out in subsection 1(3) of schedule 2 to the bill, be amended by adding “subject to subsection 16(1)” at the beginning.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Comments on PC motion 13? Mr. Ballard.

Mr. Chris Ballard: The concern I have with this proposed amendment from my reading of it is that really, in practical terms, it’s going to mean that tow trucks could not be included in the CVOR regime since all tow trucks may at some time carry out consumer transactions. The intent of the bill is to capture tow trucks within the CVOR to improve consumer protection and safety, so my concern, as I said earlier, is that this proposal would remove them. I just can’t support that.

The Acting Chair (Mr. Shafiq Qaadri): Ms. Thompson, the floor is yours.

Ms. Lisa M. Thompson: Again, these amendments are based on the stakeholder consultations that we have had, so our position stays.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. We’ll proceed, then, to the vote. Those in favour of PC motion 13? Those opposed? PC motion 13 is lost.

Ms. Thompson: PC motion 14. The floor is yours.

Ms. Lisa M. Thompson: I move that subsection 3(1) of schedule 2 to the bill be struck out and the following substituted:

“(1) The definition of ‘commercial motor vehicle’ in subsection 16(1) of the act is repealed, and the following substituted:

““commercial motor vehicle” does not include a tow truck as defined in section 65.1 of the Consumer Protection Act, 2002. (“véhicule utilitaire”)

“(1.1) The definitions of ‘compensation’, ‘CVOR certificate’, ‘goods’ and ‘safety record’ in subsection 16(1) of the act are repealed.”

Le Président suppléant (M. Shafiq Qaadri): Merci, madame Thompson. Bien prononcé. Y a-t-il des questions, commentaires, débats ?

On PC motion 14: Mr. Singh.

Mr. Jagmeet Singh: Can you just explain the rationale for this?

Ms. Lisa M. Thompson: This is just based on consultation with stakeholders.

Mr. Jagmeet Singh: What would it achieve?

Ms. Lisa M. Thompson: Again, as I said, this is something that has come forward through our consultations.

Mr. Jagmeet Singh: Okay.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Mr. Ballard? Ms. Albanese?

Mrs. Laura Albanese: I just wanted to point out that my concern is the consumer protection.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Further comments? Seeing none, I’ll proceed to the vote. Those in favour of PC motion 14? Colleagues, those in favour of PC motion 14, if any? Those against? I declare PC motion 14 to have been lost.

Shall schedule 2, section 1, carry? That section is carried.

May I have the will of the committee that schedule 2, sections 2 to 47, be considered inclusively? Is that the will of the committee? Thank you.

I will now ask: Can schedule 2, sections 2 to 47, inclusive, be carried? Carried. Thank you.

Shall schedule 2 carry? Carried.

I will now ask for the will of the committee: Shall schedule 3, sections 1 to 10, inclusive, be considered as a block? Agreed.

Next question: Shall schedule 3, sections 1 to 10 carry? Carried.

We now proceed to schedule 3, section 11. PC motion 15: Ms. Thompson.

Ms. Lisa M. Thompson: I move that section 11 of schedule 3 to the bill be amended by adding the following subsection:

“11(0.1) Subsection 121(1) of the act is amended by adding the following paragraph:

““24.1 exempting any dispute or class of disputes from sections 279 to 283 subject to the terms and conditions set out in the regulations;”

The Acting Chair (Mr. Shafiq Qaadri): Comments on PC motion 15? Mr. Singh and then Ms. Albanese.

Mr. Jagmeet Singh: What’s the purpose of this?

Ms. Lisa M. Thompson: Again, it’s based—and Jeff, jump in at any time—on the consultations that we did with our stakeholders.

Mr. Jagmeet Singh: Okay, fine. That’s it.

The Acting Chair (Mr. Shafiq Qaadri): Further comments on PC motion 15? Madame Albanese.

Mrs. Laura Albanese: Yes. So this motion would seek to exempt disputes from the new dispute resolution system that we’re proposing. It would bring no cost savings, first of all, and then at the same time I want to point out that the new proposed dispute resolution system

is about providing benefits to the injured person as soon as possible. We want to get the claimant to access benefits sooner. That's what the new dispute resolution system proposes. So this would not achieve that.

The Acting Chair (Mr. Shafiq Qaadri): Ms. Thompson.

Ms. Lisa M. Thompson: Again, it just comes back to being committed to consultations and making sure that everyone is heard from. That's what it is.

Mrs. Laura Albanese: Yes, but we had a dispute resolution system review that was led by the Honourable Douglas Cunningham that was quite extensive and that we are basing the new proposed system on.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Yurek.

Mr. Jeff Yurek: This motion is just basically allowing people still to access the courts. I know that Justice Cunningham did as best he could. However, he's comparing this tribunal to the WSIB tribunal system, and that doesn't really accurately portray what occurs out in the real world of auto insurance. The necessity of people to access the court system I think is very vital to our party, and we think they should still have that route to go.

The Acting Chair (Mr. Shafiq Qaadri): Madame Albanese and then Mr. Singh.

Mrs. Laura Albanese: The new proposed system still provides accident victims with access to the courts by allowing the parties to appeal arbitration decisions to the Divisional Court.

I just want to point out that Honourable Cunningham, on the presentation of his recommendations, explicitly rejected arguments for broader access to courts. In his final report, he stated, "I do not accept the argument that denying access to the courts would deny individuals access to justice." This is only for benefits and it's, again, to get the claimant to access their benefits sooner. There's still an arbitration hearing that will be available and still have access to the courts after a decision is made on the arbitration.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Yurek.

Mr. Jeff Yurek: What you're looking at, though, is the possibility of doubling the cost to the claimant with regard to having to pursue two different court cases. You're also looking at the fact that it's coming from this party which implemented changes in 2010 which saw the wait-lists for mediation arbitration shoot to over 30,000. Currently, there are still tons of cases waiting to be heard in arbitration, which increases the cost to our system due to the fact of the uncertainty of how the cases are going to go further. Therefore, giving people access to the opportunity to go to the court system, I think, is not only correct with regard to people's rights to have access to the court system, but also in fact may reduce costs to the system at the end of the day and allow for swifter justice in closing out the entire case, as opposed to dragging it out into numerous parts.

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The Acting Chair (Mr. Shafiq Qaadri): Thank you. Mrs. Albanese and then eventually Mr. Singh.

Mrs. Laura Albanese: All I want to say is that victims need a system where they can access benefits

faster, and that's what we're trying to do. Under the new system, the accident benefits claim will be dealt with within six months. This helps to lessen the cost and lessen the uncertainty, and the savings would be passed on quicker. I think it's well known that an action in court usually takes years, not months.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Mr. Yurek.

Mr. Jeff Yurek: Thanks for your comments there. However, I find it hard pressed for this government to actually follow through with its time frames. Arbitration-mediation was supposed to be completed within four weeks under the last changes to the legislation; however, we're looking at two to three years alone to get through that process.

I don't believe you guys could actually follow through in achieving six months in getting through this tribunal process. You guys don't have the history to support that, and you haven't made any changes with regard to your governance structure to actually think that there will be any changes going forward.

Mrs. Laura Albanese: Again, the changes are based on a review that was conducted by the Honourable Justice Cunningham, and they are based specifically on making the system faster. So it isn't about what we're recommending; it's about what Justice Cunningham is recommending.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Yurek.

Mr. Jeff Yurek: So under that train of thought, we will be looking forward for you to fully implement the Drummond report, which was also recommendations from David Dodge. You're taking Justice—what's his last name again?

Interjections: Cunningham.

Mr. Jeff Yurek: Cunningham. Thank you. You're taking Justice Cunningham's word for gold and transposing his whole report into law, whereas, coming to the Drummond report, you pick and choose. So you do have the ability to look beyond what Justice Cunningham has said and listen to the stakeholders out in the community and give people their just chances to have their day in court and be able to choose that option, if they choose to do so.

The Acting Chair (Mr. Shafiq Qaadri): Thanks. Madame Albanese.

Mrs. Laura Albanese: I'm just going to conclude by saying that the system will be moved to the Licence Appeal Tribunal, which is under the Ministry of the Attorney General, where there are specialists who will be able to deal with this, and that will streamline the process.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Mr. Yurek.

Mr. Jeff Yurek: I'd like to know what specialists there are in the auto insurance industry to actually process these claims any quicker. What I think you're saying there is that our court system does not have the capability to hear auto insurance claims, nor are the lawyers and judges able to create a case that's fair to society. We, on

the other hand, believe that our judges and lawyers and our legal system have the ability to handle the court case situations. We like the idea of having a choice one way or the other. I'm sorry that you are opposed to freedom of the courts, opposed to the abilities of our judges and opposed to the abilities of our lawyers throughout this province.

The Acting Chair (Mr. Shafiq Qaadri): Madame Albanese.

Mrs. Laura Albanese: I would like to conclude just again—second conclusion. I have the utmost respect for our lawyers and for our judges. All I'm trying to say is that this would be a more streamlined process, and that's what we're trying to achieve. Please don't put words in my mouth.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Madame Albanese. Mr. Singh?

Mr. Jagmeet Singh: I'm going to make it very clear: The Liberal government is clearly taking away access to justice. They're actually removing the right to sue. It's absolutely taking away access to justice. You've left in the ability for a judicial review. Now, let's not conflate the two. A judicial review is not the same as access to justice. A judicial review is very, very narrow. To bring a judicial review, you could be absolutely wrong, you could have made the wrong decision and it's absolutely improper, but if you followed all the due process correctly, if everything was done in a manner that was just, but the decision was still wrong, you couldn't win; you will not win a judicial review. So if I'm bringing a claim and I'm denied my benefits and I bring a judicial review, I won't necessarily get justice in terms of getting a decision because it was a wrong decision if all the steps were properly followed. A judicial review is very, very narrow. It's very rare to win a judicial review. It doesn't equate to the same level or the same access to justice as bringing a lawsuit. So there's a very big difference.

To suggest in any way that there's the same level of access to justice is absolutely wrong. You should accept that you're reducing access to justice, which is fine if that's your decision. I'm against that. I think that's wrong. But that's what you're doing. You're reducing access to justice, which would certainly benefit the insurance industry. Whether it benefits people or not—you may claim it does; I clearly say that it does not benefit people. That's one thing we should make clear.

I'll be supporting this motion, but I'll also be asking you to vote against other sections which take away the right to sue, the right to bring a legal action in court. I want to make sure that's very clear.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Singh. Madame Albanese.

Mrs. Laura Albanese: The only thing I would like to add to that is, first of all, you can always sue on the tort side. The dispute resolution system is only for benefits. You can appeal the process. That access is still there through the appeal; if you don't like the decision that has been made, you can appeal.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Madame Albanese.

Further comments on PC motion 15? Seeing none, we'll now proceed to the vote. Those in favour of PC motion 15? Those opposed? The PC motion is defeated.

Shall schedule 3, section 11 carry? Carried.

We'll now move to consideration of schedule 3, section 12. This is a notice provided by the NDP. Mr. Singh, the floor is yours.

Mr. Jagmeet Singh: Thank you very much. With respect to section 12, schedule 3—

The Acting Chair (Mr. Shafiq Qaadri): This is it, Mr. Singh?

Mr. Jagmeet Singh: Yes. There's a particular component that I'd like to raise.

The Acting Chair (Mr. Shafiq Qaadri): You need to read the notice, Mr. Singh; that's what I understand.

Mr. Jagmeet Singh: I think that for a notice, you just make your argument.

The Acting Chair (Mr. Shafiq Qaadri): I think you're right.

Mr. Jagmeet Singh: "8.1 Subsection 128(2) of the Courts of Justice Act does not apply in respect of the calculation of prejudgment interest for damages for non-pecuniary loss in an action referred to in subsection (8)." The reason why I'm asking the members of this committee to vote against this is that it removes the current interest that's applied, which was one form of encouragement so that insurance companies would settle. Having 5% prejudgment interest ensured that there was some benefit that insurance companies—if they saw a claim that they should settle, they would settle it earlier because otherwise they would incur 5% interest.

What reducing that to 1.3% does is that insurance companies can essentially say, "Listen, there's no reason for us to settle a claim. We can invest that money in any sort of fund and be at 1.3% interest." There's no incentive for them to settle a case earlier. Having a higher interest rate before, which was the standard, was at least one form of encouragement. If you're going to lose this case or if you're going to settle it anyway, you might as well do it quickly; otherwise, you'll incur additional interest.

It's our position that, in the interest of protecting people, protecting those who are victims in a motor vehicle accident, this would ensure that insurance companies are actually motivated to settle a case. By removing that interest, what's going to happen is that there's no motivation, no incentive, to settle a case early. Instead, we'll see further delays. People who are struggling, people who are injured, people who are vulnerable won't actually get their settlements because there's no incentive to settle. That's why I ask the members of this committee to vote against this section.

The Acting Chair (Mr. Shafiq Qaadri): Just to be clear, this is not a votable item. Those remarks were provided for the collective edification of the committee.

Are there any further replies? Madame Albanese.

Mrs. Laura Albanese: Yes. The intent to update the prejudgment interest rate is to reduce the cost of the tort claims, the bodily injury claims. The current rate of 5% is not linked to market conditions. Almost all the other damages awarded by the courts are already subject to a prejudgment interest rate that is linked to market conditions.

Other provinces also have lower rates of prejudgment interest for pain and suffering damages than Ontario. For example, New Brunswick has set the rate at zero.

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To your concern about the delay that insurance companies could have in paying out the claims: First of all, I think I pointed out already that the proposed change is only for the pain and suffering damages. The insurance companies would be subject to sanctions, so there could be punitive damages that the courts may award. Also, it's recognized already as an unfair and deceptive act or practice by FSCO. So there are, in our opinion, already enough financial disincentives that would deter insurance companies from delaying the cases.

Le Président suppléant (M. Shafiq Qaadri): Avant de vous passer la parole, je veux adresser notre traducteur. S'il vous plaît, mon ami, si vous pouvez diminuer un peu votre voix, qui projetait et « engulfait » cette chambre.

Mr. Singh.

Mr. Jagmeet Singh: Again, just to be very clear, this is schedule 3, subsection 12. I'm asking again, when we come to vote on this section, to vote against it. I've heard Ms. Albanese's response—thank you for that.

I just want to make it clear, once again, that this was just one tool that was benefiting people and not insurance companies. This is one tool that created some level of fairness where all the steps that we're taking and that this government is taking are putting more and more advantages forward for the insurance companies and not putting any advantages forward for people. There's nothing that ties in, for example, this reduction of interest—which does exist in other areas—to a guaranteed reduction in insurance rates. There's nothing that ties in that by getting rid of this that will automatically result in a 0.2% reduction in rates, or 0.5% or 1%. There's nothing that ties, actually, any of these amendments to a concrete reduction.

There are all these benefits that this government is proposing for the insurance industry to reduce their costs, to benefit them, but there's nothing that actually ties any of those benefits in any sort of legislated way to ensure that there's actually going to be a reduction for drivers. That's one thing that I want to make sure is very clear.

The Acting Chair (Mr. Shafiq Qaadri): Madame Albanese.

Mrs. Laura Albanese: The intent is to reduce the cost in the system so that we can achieve a 15% reduction, so the benefit for the people will be a rate reduction.

At the same time, I want to reiterate that FSCO can penalize the insurance companies. This is not about favouring the insurance companies. It is still making sure

that people get the benefits that they need as soon as possible, bringing down the costs in the entire system so that we can achieve the intent that we all have to reduce the rates.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Singh?

Mr. Jagmeet Singh: I just want to make sure: The insurance industry could reduce their costs by just settling these cases earlier and they wouldn't actually have to pay any prejudgment interest. If they would just settle them, there wouldn't be any prejudgment interest to calculate in the first place. I would suggest that instead of putting more benefits or more advantage in favour of insurance companies, we should look towards making it easier and more accessible for the people, the victims. If you look at the two, the insurance industry is far more powerful than everyday people, and we should be looking to make sure a system is in favour of the people, not in favour of those who already have so much advantage.

That's why I think we need to maintain the current prejudgment interest as it is. It's an incentive to settle earlier, and the insurance companies can avoid the cost by just settling earlier, if it's really their issue that they're concerned about the cost. Otherwise, why are they delaying settlements?

The Acting Chair (Mr. Shafiq Qaadri): Further comments? Once again, that is not a votable item and we are now considering schedule 3, section 12. Shall that carry?

Mr. Jagmeet Singh: No.

The Acting Chair (Mr. Shafiq Qaadri): Pardon me?

Mr. Jagmeet Singh: No.

The Acting Chair (Mr. Shafiq Qaadri): All right. Those in favour of schedule 3, section 12 carrying?

Mr. Mike Colle: Just to make sure, there was an NDP motion before us.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Colle, that's actually what I was attempting to clarify. NDP item 16 is not a motion. It is for our collective benefit. It is not a votable item. It is delving into the philosophy of the bill.

Mr. Mike Colle: So why was it before us as a motion?

The Acting Chair (Mr. Shafiq Qaadri): As I understand it, it is not a motion. It is clearly labelled "notice."

Mr. Mike Colle: Okay. Thank you.

The Acting Chair (Mr. Shafiq Qaadri): No problem. Once again, we are not voting on that item. We are voting on section 12 of schedule 3 as a whole. I will ask again: Shall schedule 3, section 12 carry? I believe it's carried.

We'll now go to schedule 3, section 13, for which—

Mr. Jagmeet Singh: Point of order.

The Acting Chair (Mr. Shafiq Qaadri): Yes, Mr. Singh.

Mr. Jagmeet Singh: Is there supposed to be a vote on that? I thought that you would vote on the section.

The Acting Chair (Mr. Shafiq Qaadri): Fine. Let's review. We'll now vote—once again, my apologies—on schedule 3, section 12.

Mr. Jagmeet Singh: Can we have a recorded vote?

The Acting Chair (Mr. Shafiq Qaadri): We can have a recorded vote. Schedule 3, section 12, recorded vote.

Ayes

Albanese, Ballard, Colle, Lalonde, McMahon.

Nays

Singh.

The Acting Chair (Mr. Shafiq Qaadri): Schedule 3, section 12 carries.

We will now consider schedule 3, section 13, for which, so far, no amendments or motions have been received. Shall that carry? Carried.

We now proceed to schedule 3, section 14. PC motion 17: Ms. Thompson, the floor is yours.

Ms. Lisa M. Thompson: I move that subsection 280(3) of the Insurance Act, as set out in section 14 of schedule 3 to the bill, be amended by adding “Subject to the regulations” at the beginning.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Comments? Mr. Singh.

Mr. Jagmeet Singh: What would that achieve?

Ms. Lisa M. Thompson: Again, it’s just setting out that this particular section is absolutely subject to the regulations. Just clarifying. That’s it.

Mr. Jagmeet Singh: Okay.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Comments? Mr. Singh.

Mr. Jagmeet Singh: What would the government have an issue with, with respect to this?

Mrs. Laura Albanese: I think that this is similar to motion 15, I believe it was. It’s an alternative motion to appoint mediation. It basically would achieve the status quo and it wouldn’t allow the new proposed changes under the dispute resolution system to take place. It’s very similar to motion 15.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Madame Albanese. Further comments before the vote on PC motion 17? Seeing none, those in favour of PC motion 17? Those opposed? I declare PC motion 17 to have been lost.

PC motion 18: Ms. Thompson, the floor is yours. Oh, Mr. Yurek.

Mr. Jeff Yurek: Mr. Singh.

The Acting Chair (Mr. Shafiq Qaadri): I’m sorry. You’re quite correct. Mr. Singh: NDP motion 18.

Mr. Jagmeet Singh: Thank you. This is in respect to section 14 of schedule 3 to the bill. I move that section 280 of the Insurance Act, as set out in section 14 of schedule 3 to the bill, be amended by adding the following subsection:

“Exception

“(3.1) Subsection (3) does not apply,

“(a) in respect of a dispute the registrar of the Licence Appeal Tribunal has identified as being in the complex stream of applications; or

“(b) to a person who, before the day section 14 of schedule 3 to the Fighting Fraud and Reducing Automobile Insurance Rates Act, 2014 came into force, has commenced a proceeding in tort and who wishes to include the matter of the dispute described in subsection (1) in his or her tort proceeding.”

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Comments? Questions? Mr. Singh.

Mr. Jagmeet Singh: This is a way by which, again, we return some fairness to the actual victims, to the people who are actually impacted by motor vehicle accidents. It allows for two things. It allows an exception that, in cases where someone is catastrophically injured or so seriously injured that they be identified as in the complex stream of applications—in those cases, they not be subject to the limitation on court proceedings. I think that everyone should have a right to sue, and I’ll be voting against subsection 280(3), which takes away that right.

1510

I’m proposing an amendment that, if you do think that there should not be the right to sue, then at least in cases where there’s a catastrophically injured individual and that catastrophically injured individual is not receiving the benefits they deserve, then in that case there should be an exception. Because it’s such a serious case, that person is so seriously injured and so vulnerable, they should at least be allowed to bring a lawsuit in court the way they were able to before. Perhaps you’re making a distinction between those who are in the \$3,500 category in the minor injury guideline—perhaps they can’t bring a lawsuit, but at least someone who is fighting a catastrophically impaired case should be allowed to bring a challenge in court, and they should be exempt from subsection (3).

The second sub-exemption that I’m asking you to consider is, if someone is already bringing a tort case, then, as one of our colleagues indicated, instead of having to bring two separate court proceedings in this case, if you’ve already commenced proceedings in tort, you also should be able to tie in your proceeding where your benefits—where you’re challenging that as well.

Those are two exceptions that I’m asking you to consider. That’s that.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Singh. Madame Albanese.

Mrs. Laura Albanese: The first thing I would like to clarify is that people can still go to court if they’re on the tort side, if they are not at fault. The court access is still there.

If the recommendations from Justice Cunningham are implemented, even the most complicated hearings will be resolved in a matter of months and not a matter of years. A longer court process doesn’t help to get immediate help to accident victims, such as medical help, rehabilitation, income replacements. Those are the things that you

need immediately when you have an accident. I know that also because many years ago my husband was the victim of a pretty serious accident. It's all about getting those benefits to the victim sooner.

Also, allowing accident benefits and tort claims to be merged would provide the tort insurer with the opportunity to shift some of the costs to the accident benefits insurer. Our automobile insurance system in Ontario is a closed system, which means that all the costs of all the premiums must pay for all the costs of all the claims. So the fear is that some would be shifted from the benefits to another area of the claim. With this new dispute resolution system, the intent is for the accident benefits to be decided in a short period of time—as we said before, up to six months, hopefully even sooner—and to get those benefits to the victim right away.

At the same time, you can still sue on the tort side. So you're not excluding that right to the victim. You're just trying to get them the benefits that they need much sooner. That's the intent of separating the two.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Madame Albanese. Mr. Singh.

Mr. Jagmeet Singh: So let's just clarify: I've never said that the tort side is being removed. It's not being removed. What's being removed here is, there's a limit on court proceedings when it comes to the benefits side. So all of my comments are about the benefits side. Because of course there's nothing in this legislation that denies you the right to bring a tort case. Of course I'm not talking about that.

Obviously, if a case is being settled and you go to arbitration and you're immediately receiving the benefits, you wouldn't need to bring a lawsuit. The lawsuit is only brought when the insurance company says, "No, I'm not giving you....," and if even after arbitration the answer is still no, that's when you bring a lawsuit.

In fact, you know early on—often lawyers have a heads-up that the insurance company says, "No, we're not going to give you these benefits." They know that up front. It's very clear that they're going to fight this in arbitration, and you know that you need to go to court, because the insurance companies are going to say no. When you already know that's going to happen anyway, and the insurance companies are already challenging you on that side, that's when you need to bring a lawsuit.

So it is absolutely impeding access to justice when someone knows very clearly—the lawyer has already found out from the insurance company that they're going to deny this claim, they are not going to pay the benefits that you need, arbitration decides you're not going to get it, and you want to bring a case to court. That's when you are being denied access to justice. This now says you can't actually sue in court if an insurance company says no to your benefits. If the insurance company says no to your benefits. If the insurance company says no, you don't have a recourse in court. Before, you could.

I'm asking at least that, at a minimum, if somebody is catastrophically injured, they should be exempt from this limitation of court proceedings. They should be exempt.

If you're catastrophically injured and you're fighting a catastrophic injury claim—if you're in that category—you should be allowed to sue in court for your benefits—not for tort, because you're always going to sue for tort.

The second issue I want to make very clear is that if you're already bringing a tort case, in those cases where you're bringing a tort case—for those victims who are injured or vulnerable, it is costly. It is difficult. They should be able to bring their tort case and their statutory accident benefit case both at the same time. Why should they bring two separate proceedings? They can appeal that decision in a separate court case, and they can have a tort case separately. Why have two separate court cases, two separate court dates? With the same evidence that's going to be called, it's very inefficient.

So we're saying that, if somebody is already bringing a tort case, they should also be able to simultaneously bring a benefit case to court. That's the issue. Absolutely, as it exists, there is no doubt that it's denying access to the courts. It's limiting your access to the courts. It's limiting it to tort only, and you can't bring a claim for benefits. That's what this is doing, very, very clearly.

It states it very clearly: "No person may bring a proceeding in any court with respect to a dispute described in subsection (1), other than an appeal from a decision of the Licence Appeal Tribunal or an application for judicial review." So you're not allowed to bring a proceeding in court. It's pretty black and white. It says you're denying access to justice. It says it right here. You can't say it's not. You can say you want to do it, that you believe in it or that it's something that you support—denying access to justice. That's fine, but don't say you're not doing it when you're doing it.

The Acting Chair (Mr. Shafiq Qaadri): Further comments before we proceed to the vote? Mrs. Albanese.

Mrs. Laura Albanese: I would just like to add that that decision can still be appealed, that there is therefore access to the courts in that way, and that the whole intent is to get the accident benefits to the victim sooner. That's why they're not merged. One will take years; one, hopefully only months.

The Acting Chair (Mr. Shafiq Qaadri): We will now proceed to the vote on NDP motion 18. Those in favour? Those opposed?

Mr. Jagmeet Singh: Recorded vote.

The Acting Chair (Mr. Shafiq Qaadri): Is it the will of the committee to allow a recorded vote although it is officially too late? Fair enough.

Ayes

Singh, Thompson, Yurek.

Nays

Albanese, Ballard, Colle, Lalonde, McMahon.

The Acting Chair (Mr. Shafiq Qaadri): NDP motion 18, recorded or otherwise, is defeated.
PC motion 19: Ms. Thompson.

Ms. Lisa M. Thompson: I move that section 14 of schedule 3 to the bill be struck out and the following substituted:

“14. Section 280 of the act is amended by adding the following subsection:

“Same, parties consent

“(3.1) If the parties to the mediation so request the director in writing, the director shall appoint as the mediator a person selected by the parties jointly.”

The Acting Chair (Mr. Shafiq Qaadri): Comments before we proceed to vote on PC motion 19? Seeing none, we'll now proceed to the—Mr. Singh?

Mr. Jagmeet Singh: Sorry. Just to clarify, again: the purpose of this?

The Acting Chair (Mr. Shafiq Qaadri): Mr. Yurek?

Mr. Jeff Yurek: I think it's basically allowing both parties to select the mediator of their choice, which may allow the process to move a little bit quicker if, perhaps, that mediator is not on the selection board of the tribunal or what have you. This might speed up the process and allow for a mediator that both sides of the parties are happy with, which may decrease the chances of a conflict.

The Acting Chair (Mr. Shafiq Qaadri): Further comments before we proceed to the vote?

Those in favour of PC motion 19? Those opposed? PC motion 19 is defeated.

Shall schedule 3, section 14 carry?

Mr. Jagmeet Singh: Which section, sorry?

The Acting Chair (Mr. Shafiq Qaadri): Schedule 3, section 14.

Mr. Jagmeet Singh: Recorded vote.

The Acting Chair (Mr. Shafiq Qaadri): Those in favour of schedule 3, section 14: Recorded vote. Please vote now.

Ayes

Albanese, Ballard, Colle, Lalonde, McMahon.

Nays

Singh.

The Acting Chair (Mr. Shafiq Qaadri): Schedule 3, section 14 carries.

May I take it as the will of the committee to consider schedule 3, sections 25 to 22, inclusive, as a block?

The next question: Shall schedule 3, sections 15 to 22, inclusive, as a block, carry? Carried.

Shall schedule 3 carry? Carried.

May I take it as the will of the committee that schedule 4, sections 1 to 7, inclusive, be considered as a block? Agreed.

Shall schedule 4, sections 1 to 7, inclusive, as a block, carry? Carried.

Shall schedule 4 carry? Carried.

May I take it as the will of the committee that schedule 5, sections 1 to 8, inclusive, be considered as a block? Agreed.

Next question: Shall schedule 5, sections 1 to 8, inclusive, carry as a block? Carried.

Shall schedule 5 carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 15 carry?

Mr. Mike Colle: Recorded vote.

The Acting Chair (Mr. Shafiq Qaadri): Recorded vote.

Ayes

Albanese, Ballard, Colle, Lalonde, McMahon.

Nays

Singh.

The Acting Chair (Mr. Shafiq Qaadri): Bill 15 carries.

Shall I report the bill to the House? Agreed? Seeing no objections, I shall report the bill to the House.

Is there any further business before this committee, or comments?

Merci, mes collègues.

The committee adjourned at 1522.

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First Session, 41st Parliament

Official Report of Debates (Hansard)

Monday 24 November 2014

Standing Committee on General Government

Public Sector
and MPP Accountability
and Transparency Act, 2014

Chair: Grant Crack
Clerk: Sylwia Przedziecki

Assemblée législative de l'Ontario

Première session, 41^e législature

Journal des débats (Hansard)

Lundi 24 novembre 2014

Comité permanent des affaires gouvernementales

Loi de 2014 sur
la responsabilisation
et la transparence
du secteur public
et des députés

Président : Grant Crack
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LEGISLATIVE ASSEMBLY OF ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENT

Monday 24 November 2014

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

COMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Lundi 24 novembre 2014

The committee met at 1405 in committee room 2.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Good afternoon, honourable members. Owing to the absence of both the Chair and the Vice-Chair, it is my duty to call upon you to elect an Acting Chair. Are there any nominations? Mr. Colle.

Mr. Mike Colle: Madam Clerk, I'd like to nominate the esteemed member from Etobicoke North as the Acting Chair.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Does the member accept the nomination?

Mr. Shafiq Qaadri: I am honoured by your confidence, Mr. Colle. Yes.

The Clerk of the Committee (Ms. Sylwia Przewdziecki): Are there any further nominations? There being none, I declare nominations closed and Mr. Qaadri duly elected Chair of the committee.

Please come and take the chair, sir.

PUBLIC SECTOR
AND MPP ACCOUNTABILITY
AND TRANSPARENCY ACT, 2014LOI DE 2014 SUR
LA RESPONSABILISATION
ET LA TRANSPARENCE
DU SECTEUR PUBLIC
ET DES DÉPUTÉS

Consideration of the following bill:

Bill 8, An Act to promote public sector and MPP accountability and transparency by enacting the Broader Public Sector Executive Compensation Act, 2014 and amending various Acts / Projet de loi 8, Loi visant à promouvoir la responsabilisation et la transparence du secteur public et des députés par l'édiction de la Loi de 2014 sur la rémunération des cadres du secteur parapublic et la modification de diverses lois.

Le Président suppléant (M. Shafiq Qaadri): Chers collègues, j'appelle à l'ordre cette séance du comité du gouvernement général. Thank you, colleagues. I call this committee officially to order. We are here, as you know, to deliberate on Bill 8, An Act to promote public sector and MPP accountability and transparency by enacting the Broader Public Sector Executive Compensation Act, 2014 and amending various Acts.

Yes, Madam Fife.

Ms. Catherine Fife: Seeing that the room is so crowded, is it possible for us to find some more chairs or make some accommodations so people don't have to stand up?

The Acting Chair (Mr. Shafiq Qaadri): Good point. The room next door is being set up. We appreciate all the members of the public and other interested stakeholders for your presence and certainly value your contribution. We are, as I say, attempting to set up a room on that side. If there are any issues, please let us know. And no, they're not allowed to sit on this side.

INSTITUTE OF CANADIAN JUSTICE

The Acting Chair (Mr. Shafiq Qaadri): If there's no further business, we'll now call our first witness to please come forward: Mr. Gerald Parker, executive director of the Institute of Canadian Justice.

Mr. Parker, and your other colleagues who are all here, you will have 15 minutes in which to make your testimony. That will be reinforced with military precision. You'll have five minutes for your presentation, followed by a question-and-answer period rotating through the committee, and we'll have the PCs first.

Mr. Parker, your time officially begins now.

Mr. Gerald Parker: Good afternoon, members of committee, members of the public. My name is Gerald Parker. I'm the executive director of the Institute of Canadian Justice.

I'm here to focus on the provisions of Bill 8, specifically about the municipal, university, school boards and hospital accountability provisions therein.

We need to bring Ontario forward to be consistent with other provinces, at the very least; ensure public policy is respected; ensure that we do not complicate, increase costs; and also provide constructive public policy outcomes and ensure that they occur.

In this presentation, I will set out—and please pay particular attention to the presentation that has been sent to you and the links within it. Quintessentially, I am here to tell you that we need an Ombudsman's purview extended now more than ever before in our province's history. Our largest public sectors cannot remain beyond public purview, transparency and accountability.

I've been doing this kind of work for 25 years as a person with a disability, as a social justice activist but also as a leader who has helped folks like the Conference

Board of Canada write its reports on accessibility or the expert for the 50 million members of AAA and their barrier-free publications. My point is, I understand harm reduction and human rights, and as it pertains to Bill 8 and the provisions of our municipal sector, school boards and hospitals that I want to focus upon today, existing laws have not been respected.

1410

I can give you one simple example: the legislative amendment committee that I was on in 1990 with the Association of Municipalities of Ontario, which is going to be before you crying and crying so much about this bill. The point is, the laws of 1991 are not being respected in 2014, and that includes the accessible parking sign that our good Lieutenant Governor required, the very accessible parking sign. One of the links I showed you today is the town of Whitby, which is the centre of accessibility excellence, still today not providing for that.

My point is, whether it's me being before the standing committee in this room or 25 years ago, old habits die hard, and we have to stop them.

The AODA has become a mirage because of this. Municipalities, being the most important sector in its materialization, are not paying attention. For some obscure reason, municipalities seem to think that the Municipal Act transcends the charter, the Human Rights Code and governing public safety provisions—such as the Highway Traffic Act, the Planning Act and the building code—no matter how antiquated and lagging they still may be. The point is, our most precious, critical, vital and expensive public assets do not have the purview of the public, and there are too many examples of that. I've given you some today.

It's time to expand the role of the Ombudsman. The province of Ontario and the ministries are obligated, but they're still not respecting it. The AODA says that we shall not be building Ontario's newest high schools without sidewalks and that we won't build them in front of fire stations—because there are three things you don't put in front of a fire station: a long-term-care facility, a hospital and a school. The point is, this is a \$5-million statement of claim waiting to happen—again. We have to avoid that.

Where are we going to spend our money and how are we going to arrive at these solutions? Well, it starts with the municipal planning departments and the councils that, even under the AODA and the ODA, are still refusing to plan and, as a result thereof, knowingly endangering millions.

New barriers: We swore off these back in 2000. Co-opted and placated mandatory accessibility committees and the process thereof allow municipal councils to continue to fail to be responsible. Accessibility continues to have excuses—in our hospitals, in the parking that people pay the costs of. It's 5% of ODSP to park in a Toronto hospital—5% of your monthly ODSP to park for one day in a hospital. That has to stop. Our most vulnerable are being hit, not able to get to the buildings that they require.

The Acting Chair (Mr. Shafiq Qaadri): About a minute left, Mr. Parker.

Mr. Gerald Parker: Thank you. Even when we go through these processes, it's still not working. School boards with massive budgets are still not respecting input from parent involvement committees etc. We can't allow this to happen. No development agreements at the Abilities Centre: You folks paid millions of dollars into that building; no development agreements and \$80,000 coming out of the local coffer as a result. You see the pictures right before you.

My point is, there are existing solutions, but they're not being respected. So what do we need? We need to support Bill 8. We need to extend the role of the Ombudsman and the Ombudsman's purview into the patient ombudsman's office and enable the AODA and the Ombudsman's priority engagement so that we do not continue to create new barriers and dangerous liabilities. Remember, timely pedestrian infrastructure is good for everyone—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Parker.

I now offer the floor to the PC side. Mr. Nicholls, sir.

Mr. Rick Nicholls: Mr. Parker, first of all, thank you so much for being here today. I certainly do appreciate the passion with which you speak.

I don't have any questions, so what I'm prepared to do is give you additional floor time to take up whatever time is left of what I have right now, just as a courtesy to you.

The Acting Chair (Mr. Shafiq Qaadri): Go ahead, Mr. Parker.

Mr. Gerald Parker: Thank you so very much; I appreciate that.

Why we need to support Bill 8 is because education legislation and professional training have failed. The institutes of professional planners have not done what they should have done. They were given every opportunity under AODA 429/07 to learn about what they needed to do. They're not doing it. They didn't even come before the AODA review just recently. That speaks volumes. I've been speaking to Pat Vanini and crew over at AMO and said to them, and have been saying to them for over 20 years—because I sat on their legislative amendment committee—“If you don't learn to self-regulate, then we're going to have to do it for you.” We're at that point. We need to enforce.

We are the last province in this process. We need to start leading, not following and allowing these millions of dollars to fall through the cracks. When we do not fund for accessibility—let's say a curb cut costs \$400. To extract and then put a curb cut in costs \$4,000. Are we spending it righteously now with good planning, and municipalities that are accountable, transparent and not co-opting the process? Are we dealing with school boards that respect our money and also the processes when parents get frustrated and come to them and say, “This is wrong”? School buses are coming close to running over our children. It's not acceptable that sidewalks are not being put in on a road that 10 schools and 6,300 kids walk on.

The point here is that we can avoid preventable injuries, we can avoid insurance claims and we can avoid PTSD in EMS folks who show up on these scenes if the municipality does its job, if the school boards do their job and, yes, with this new high school, the province.

The Ministry of Education should have never allowed, under the AODA's "no new barriers," for Ontario's newest high school to be built without accessibility, never mind in front of a fire station—because yes, for those first responders, not putting on your siren and your horns coming out of the yard is accumulative PSD. My point is, they'd sooner spend \$5 million on defending the indefensible and a boatload of lawyers rather than \$5 million putting in an \$80,000 piece of sidewalk that the sub-developer should have paid for.

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds, Mr. Parker.

Mr. Gerald Parker: My point here is that the superstructure of the provision of these public policies, these public safety provisions, and then the trickle of public health benefits that come from it, are being usurped by processes and linkages knowingly failing. The Municipal Act does not transcend the charter, the Human Rights Code and public safety, but somehow, AMO seems to think that's the case.

Thank you.

Le Président suppléant (M. Shafiq Qaadri): Merci, monsieur Parker. Je passe la parole à M^{me} Fife du NPD. Three minutes.

Ms. Catherine Fife: I think you've made some interesting points about how the province is spending money. On the AODA in particular, not putting in those specifications that school boards actually have to build in accessibility in new builds: Most school boards are, but not all school boards are. How do you attribute such a lost opportunity on behalf of the Ministry of Education to bring that in?

Mr. Gerald Parker: Well, I can assure you that in this one particular and very indicative example that I told you about, Brooklin high school up in Whitby—the home of the Abilities Centre; amazing—when development agreements are not being signed off on, like the Abilities Centre, it's like flying a plane without any training. And then there's \$80,000 coming out of the public coffers. Is there a public policy failure by the Ministry of Education to put its money where its mouth is and ensure that buildings that we run to during a nuclear burnout—because we have two nuclear facilities. Our schools are built for 100 years and they are the places that we're told to run to if something goes wrong. Do you know we had a leakage in Pickering just the other day? Yes, that's pretty scary. We can't even run to those places on the sidewalks.

Again: safe school routes; healthy living; the connections thereof; ensuring that mums and dads, if they are at home, are not pulling U-turns in front of schools, and mums are not getting run over walking back from school because the sidewalk is not there. The province has to provide the leadership and it has to provide the educa-

tion, because under the AODA 429/07, the customer service standard, the training was a multiple guess, pretty well, on the provincial side. It's not specific operationally and it doesn't come with the understanding—for instance, the Ontario Professional Planners Institute: They don't get it.

Ms. Catherine Fife: How much time do I have?

The Acting Chair (Mr. Shafiq Qaadri): You have about a minute, Madam Fife.

Ms. Catherine Fife: This is an omnibus bill. It has good pieces in it and it has weak pieces in it. Can you comment on this accountability and transparency act and the way that it has been presented to the people of this province?

Mr. Gerald Parker: Well, I would say that finding out about this on Friday afternoon when it was called on Wednesday and being here on Monday morning—as a person with a disability, the very intent and spirit of the AODA hasn't been met, because people need to have time and ability to have the information to process it and actually be here and, oh, arrange for Wheel-Trans to get here. That has been a weakness in the process itself, and I'm very big on integrity of process.

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The weakness, and a glaring one for me, is the patient ombudsman. Our hospitals have to have the Ombudsman's full purview. This is not just about patients; this is about pharmaceutical corruption—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Parker and Ms. Fife.

I now pass it to the parliamentary assistant to Treasury Board, Yvan Baker.

Mr. Yvan Baker: Mr. Parker, thank you so much for coming in and speaking about these important issues. There are 444 municipalities in Ontario, and in 2013, there were 1,600 complaints that were received about municipalities where the Ontario Ombudsman had no jurisdiction. We're in agreement with you that there's a need to expand the purview of the Ontario Ombudsman. This bill is really about making sure that everyone in Ontario has access to an Ombudsman. Could you talk a little bit to what the benefits would be to Ontarians of the expansion of that purview?

Mr. Gerald Parker: That's a great question. Well, first of all, we would be up and running with the rest of the provinces because we're the last of the gang, if you will. So having a system that all can look to—because the Ombudsman's work is very sincere. It's a tough job—very thick skin. I see him on Twitter getting beaten about all day, every day by very nasty trolls, but he stands his ground and that office stands its ground and very righteously so.

The benefit of the work that the Ombudsman does is that by the mere capacity to make a phone call—or, in my capacity of working with so many municipalities and regions that don't want to do what they should have done decades ago, it's to simply say, "Well, do you want me to reach out to the Ombudsman? Do you want me to reach out to the Office of the Independent Police Review

Director?" These are processes that carry moral suasion in and of themselves that would negate an additional process to be engaged, so the reputation, the actual moral standing and then legal standing have teeth, not just a bark, and it's not chasing its own tail most of the time.

That's where we get lost in this. We've got great policy, the AODA—and the ODA was a wonderful document—it just hasn't been implemented or enforced. So here we are, needing enforcement and the very best and the brightest in this province and many in the profession would say that the Ombudsman of Ontario is one of those people. I have great respect for that work. I am, myself, *de facto*, playing some of these roles. I'm handing off my research to CBC Fifth Estate and Marketplace because I can't get anything done on this. Hospital parking is one of them. We finally got guidelines going forward because someone had to start batting others around the ears. My point is, why should the public and good folks who can be attending to their time doing more important or just as important things—

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds, colleagues.

Mr. Gerald Parker: —be doing what the Ombudsman can and should be in a manner that is quintessentially consistent with every other province in Canada? We need to catch up, not follow. I think the Ombudsman will do a great job in that. I have every faith in them to do that.

Mr. Yvan Baker: Wonderful. Just very quickly, because we're out of time, what are the risks if we don't do it?

Mr. Gerald Parker: As any process, there are risks. There are political risks for you people sitting around this table, having to listen to some of the folks behind me—

The Acting Chair (Mr. Shafiq Qaadri): Thank you. One of the risks, of course, is running out of time. Thank you, Mr. Parker, for your presence and your deputation today.

ONTARIO HOSPITAL ASSOCIATION

The Acting Chair (Mr. Shafiq Qaadri): I now invite our next presenters to please come forward from the OHA, the Ontario Hospital Association: Mr. Jamie McCracken, board chair of the Ottawa Hospital, and Rob Devitt, president and CEO of Toronto East General Hospital. Thank you, colleagues. For the purpose of Hansard, you might just identify yourselves so we know who's who. Your five-minute opening address time begins as soon as you catch your breath, officially now.

Mr. Jamie McCracken: Good afternoon. My name is Jamie McCracken. I am the chair of the board of governors of the Ottawa Hospital and the vice-chair of the Ontario Hospital Association. With me is Rob Devitt, who is the chief executive officer and president of the Toronto East General Hospital. We are here on behalf of the Ontario Hospital Association, the body that represents Ontario's hospitals.

The OHA and its member hospitals support the ongoing commitment to improving transparency and

accountability across the broader public sector. The OHA acknowledges the importance of public trust in broader public sector organizations and the importance of ensuring scarce public resources are well spent.

Ontario's hospitals are incredibly complex organizations. They are open 24 hours a day, seven days a week. They employ over 250,000 staff, manage billions of dollars, educate thousands of students, conduct hundreds of millions of dollars in research and provide excellent care to millions of Ontarians every year. Ontario is home to the most efficient hospitals in Canada. On a per capita basis, we spend \$3.5 billion less on hospitals than the other provinces. This has freed up billions for other important health care priorities.

Competitive compensation is necessary to attract and retain the highly educated, highly skilled hospital leaders who can achieve the kinds of successes that have made Ontario a global health care leader. As a result of legislated salary freezes at the leadership level since 2010, there have been increased manifestations of compression at all levels of the organization. In some cases, front-line staff are earning the same amount as their supervisors, which creates challenges in recruiting and retaining qualified staff at all levels of the organization.

In 2011, an independent expert panel chaired by the Honourable John Manley conducted a review with recommendations. In 2012, the OHA developed a framework grounded in best practice for determining executive compensation, with the assistance of compensation experts. We would therefore request that this work be used as the basis for establishing a compensation framework for the hospital sector. Further, we would also ask that due consideration be given to the role and demands of hospital leadership, the fiduciary role of the hospital's board of directors in setting compensation, and the current and future challenges of recruitment and retention, given the restraint measures dating back for the past four years.

I will now turn it over to my colleague Rob Devitt, who will speak to the issue of the patient ombudsman.

Mr. Rob Devitt: Thank you, Jamie.

Ontario's hospitals support the additional accountability mechanisms of the patient ombudsman. We feel this would enhance hospitals' own patient relations processes and patient experience. The OHA supports the separate model of oversight chosen for the health care sector, given the complexity of the legislative and regulatory environment in which hospitals operate.

Hospitals frequently receive complaints regarding the configuration of the health system or programs that hospitals offer or do not offer. With the creation of the office of the patient ombudsman, there will be a mechanism to address these systemic issues.

There are several suggestions from our members to strengthen this section of the bill, which I will outline for the committee.

As the patient ombudsman will be housed in a provincial agency, it appears as though the Ombudsman of Ontario will have the ability to review the substantive

decisions or recommendations made by the patient ombudsman. We are of the belief that the Ombudsman of Ontario has a tremendous amount to offer around the development of effective policy and procedure and the set-up of the patient ombudsman's office.

The Acting Chair (Mr. Shafiq Qaadri): One minute.

Mr. Rob Devitt: The OHA recommends that the jurisdiction of the provincial Ombudsman be limited to review these practices and procedures as opposed to the substantive decisions and recommendations made by the patient ombudsman. Without this specification it could create duplication, and could undermine the authority of the patient ombudsman.

The second recommendation made by Ontario hospitals is around ensuring the effective and timely review of patient complaints. As currently drafted, the patient ombudsman will be required to receive complaints, regardless of how old they are. In order to ensure that the patient ombudsman is not overwhelmed by untimely complaints, the OHA suggests that the patient ombudsman's authority should be extended to actions or inactions that occur after the legislation comes into force. Or, if there is a desire to capture complaints that happened recently, the legislation could grant the patient ombudsman the authority to investigate actions or inactions affecting patients or former patients occurring after some fixed date.

The OHA suggests—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Devitt.

To the PC side: Mr. Nicholls.

Mr. Michael Harris: We'd be happy to let Mr. Devitt just finish up.

The Acting Chair (Mr. Shafiq Qaadri): Good. The floor is yours again.

Mr. Rob Devitt: Thank you. One sentence: The OHA suggests a set time frame in which complaints must be made to the patient ombudsman after the initial complaint occurs at the health sector organization. We submit that a period of one year is reasonable.

The OHA and its members are pleased to have had the opportunity to speak to you today. We continue to support the ongoing commitment to transparency and accountability across the broader public sector and would be happy to answer your questions.

Mr. Michael Harris: Thanks for that. A quick question for you: You had mentioned a 2011 independent expert panel chaired by the Honourable John Manley. I'm not sure if you want to highlight a few of those recommendations for the committee?

Mr. Jamie McCracken: Absolutely. Thank you for the question.

There is a document called the Principles and Guidelines for Hospital Chief Executive Officer Compensation. This panel did its work over the course of a year and put together a lengthy document, which the OHA then took and used as a framework for hospitals, which was given out to the hospitals. In this, there is a framework with 10 steps which compare hospitals, small hospitals to small

hospitals, and then goes up a scale to the larger health science medical centres. It is being used at this point by boards of governors, boards of trustees, like myself, to look at the compensation for their own particular CEO. So it's a very useful document. It took considerable time to do, and we believe this is the appropriate way to deal with this issue.

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Mr. Michael Harris: Are all of the hospitals under the association using that framework, then?

Mr. Jamie McCracken: I can't speak for all independent hospitals. There are 150 of them. But I know a lot of them are using this document as a tool in their deliberations.

Mr. Michael Harris: Was there anything else you'd like to add to the committee? I know we probably have about one minute left.

The Acting Chair (Mr. Shafiq Qaadri): And 10 seconds.

Mr. Michael Harris: Is there anything else you'd like to add, to get on the record?

Mr. Jamie McCracken: Nothing at this point.

Mr. Michael Harris: All right. Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, colleagues. Thanks, Mr. Harris.

Madam Fife.

Ms. Catherine Fife: Thank you very much, Mr. McCracken and Mr. Devitt, for your presentation.

I'll tell you at the start that the NDP did not support this piece of legislation for a number—there are too many reasons. On schedule 1, it doesn't set a cap for executive pay. You raised the issue of executive compensation. There are many examples out there, especially in the hospital sector, where CEOs are making three times as much as the Premier of this province. At Sunnybrook, for instance, the CEO makes \$780,000.

We've introduced—to start a cap at twice what the Premier makes: \$418,000. We think that's reasonable. Is your basic premise that you get what you pay for with executive compensation?

Mr. Jamie McCracken: No. It's very difficult to compare sectors, what leadership in different sectors make. I know that when the Manley report was done, they took into consideration CEOs in the private sector—the bottom 25th percentile, so the lowest-paid CEOs—and looked at comparable responsibilities. These are complex jobs—I'm not suggesting the Premier's job is not complex. But there is a healthy, competitive market out there for this position.

I know, for example, at the Ottawa Hospital, our CEO is courted by other large, American, hospitals all the time. To maintain the proper degree of expertise, you have to pay appropriately.

Ms. Catherine Fife: This complexity that you've cited in the hospital sector—they're very large institutions. This is one of the reasons that you don't support an independent provincial Ombudsman over the hospital sector. Isn't that a good reason to have true and independent oversight over the hospital sector?

Mr. Rob Devitt: I'll answer that. We actually do support an ombudsman, but a patient ombudsman, and it's for that very reason: the complexity of the health sector—the complexity in terms of regulation, the complexity in terms of the structure of the system and the complexity in terms of the interplay between clinical and non-clinical issues. It's our belief that with that complexity, having an ombudsman with specific understanding and access to the expertise to help navigate the review and analysis of issues would be helpful, both for the individual complaint, but also to develop system-level complaints. That doesn't mean the provincial Ombudsman would not have a function.

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Rob Devitt: In fact, one of the things we want is to build on the wealth of experience from the provincial Ombudsman in setting up the patient ombudsman function.

Ms. Catherine Fife: We did call for full oversight of the entire MUSH sector. Municipalities, universities and school boards are very complex as well. Are you not concerned that the patient ombudsman will not have the same weight to effect systemic change within the system?

Mr. Rob Devitt: In fact, I think they will—

The Acting Chair (Mr. Shafiq Qaadri): I need to pass the floor to the government side. Mr. Baker.

Mr. Yvan Baker: Thank you both for coming in and for speaking to these two elements of the bill.

On executive compensation, I certainly appreciate the importance of attracting the right talent, particularly within our health care sector. In my private sector experience, I did some consulting on this topic, and I understand the balance that has to be struck there, but we also obviously have a mandate to balance the budget by the end of 2017-18. This bill allows us to go out and first of all collect the information to be able to put in place informed framework-managed compensation, so we hope to strike that balance as well.

On the patient ombudsman, one of the challenges in investigations and capping them is, of course, that some of the issues that the patient ombudsman may be looking into are systemic, complex and wide-ranging, so an arbitrary cap may be difficult to implement. I would love to hear your thoughts on that. I would also love to hear your thoughts on why you think a patient ombudsman is important for the people of Ontario.

Mr. Rob Devitt: I'll start. We think a patient ombudsman is an important step. It gives another layer of process and practice once a complaint has been dealt with to everyone's best effort as close to the incident as possible at the local hospital. It would provide that extra layer of process in case a patient or their family was unsatisfied.

The proposal we are endorsing, the idea of a patient-specific ombudsman, would ensure that that function really gets the complexity and the unique regulatory environment of health care.

I think another important reason for an ombudsman function is to help families and patients find closure on

issues. The complaints process isn't just about finger-pointing; it really should be about continuous improvement, finding out where we didn't do something that fully met the needs of the patient or their family and helping resolve it so that it doesn't happen again. But the whole process can be helpful in terms of bringing closure, and we think that's important. And finally, the opportunity to create system solutions: A lot of what we see at the individual hospital level really deals with issues that perhaps are more systemic—the hand-off from one part of the system to another. The idea of having a health-specific patient ombudsman would ensure that those sorts of recommendations to strengthen the whole system would come forward.

Mr. Yvan Baker: Is there anything else that you wanted to add in the remaining time?

Mr. Jamie McCracken: In terms of executive compensation?

Mr. Yvan Baker: Sure.

Mr. Jamie McCracken: I would like to add that there is real concern at the board of governors or directors level that there be a competitive salary, especially for the clinical expertise that we have just now. It would be a shame if we lost that, especially in a time when things are changing—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Baker, and thanks to our colleagues from the hospital sector, Mr. McCracken and Mr. Devitt, for your deputation, written submission and presence today.

iCARE HOME HEALTH SERVICES

The Acting Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward: Ms. Mary Gavel, director of navigator and patient advocacy for iCare Home Health Services.

Thank you, Ms. Gavel. Your written submission has just been freshly distributed. I invite you to (a) pour your water, (b) have a seat, and (c) begin now.

Ms. Mary Gavel: Thank you for the opportunity to be here today. I'm specifically going to speak to section 5 of Bill 8 with respect to the patient ombudsman.

I am Mary Gavel, director of navigator and patient advocacy at iCare Home Health Services. In my current role I am responsible for a private health care advocacy and navigation service that provides support and education to patients and family about the ins and outs of the health care system.

iCare Navigator was launched in September 2014 in response to clients with questions about going forward within the public health care sector with concerns for fear that there would be a negative impact on their ongoing care. They were at a loss as to how to navigate the health care system and how to advocate for the health care they needed.

My background in the health care sector includes 30-plus years of experience working in a number of public hospitals and mental health facilities in the province of Ontario in patient relations, patient safety, privacy and risk management roles.

At the outset, I would like to commend the Liberal government for acknowledging the need for an ombudsman to address health sector complaints. Ontario is the only province that does not have Ombudsman oversight of health sector complaints.

Based on my experience, I believe that an ombudsman must be a neutral, objective resource to which patients and family can turn when they have not been able to achieve resolution of their concerns within the health sector. I also believe that there must be a trusting relationship for the process to be successful in achieving resolution.

While I strongly believe that the most effective place for resolution is at the point of care, when patient relations staff within a health sector facility are employed by the organization, it can be challenging for staff to remain neutral.

I recognize that a large number of complaints can be and are resolved within the health sector by patient relations processes within the organizations. However, as seen frequently in the media, there are cases that require independence from the health sector and its staff in order for the decisions and outcomes of investigations to be received as fair and credible.

From my experience working within the public health sector system for 30-plus years and more recently as a private patient advocate with iCare Home Health Services, I do not believe that a patient ombudsman that would exist as currently proposed under schedule 5 of Bill 8 will achieve what patients and family are looking for with regard to a neutral, independent third party to listen to their complaints after they have exhausted the internal processes within a health care facility.

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The patient ombudsman, as proposed in schedule 5 of Bill 8, will be a position appointed by the Lieutenant Governor in Council, employed by Health Quality Ontario, an independent crown agency funded by the government of Ontario through the Ministry of Health and Long-Term Care. I ask the question: If you, as a patient or a family member, were experiencing a concern related to care or treatment, would you be comfortable after exhausting the internal process within the public health sector, in bringing the issue forward to an ombudsman to whom the organization had accountability? Does that fit the criteria of being neutral and independent?

In my opinion, Ontario's Ombudsman is already a trusted third party that could immediately offer patients and family the independent third party investigation they are seeking when they have been unable to achieve resolution within the health sector system.

Time and time again, in my past position in the public health sector and in my current patient advocacy role at iCare Home Health, I hear patients express concern about speaking up with concerns about care and treatment for fear that their care, treatment or services will be affected. While we all know this could never happen, this is a genuine fear of patients and families. Would this same fear not exist with a health ombudsman with a direct link to the Ministry of Health and Long-Term Care?

I would urge the committee to examine carefully the lack of trust that could exist with a patient ombudsman as proposed in section 5 of Bill 8. Trust is fragile and hard to restore once lost. Trust is also a core pillar of quality care.

These are critical issues that must be addressed by this committee before the bill is referred back to the House. Section 5 of Bill 8 will have an enormous impact on the health care sector, and I believe it is vitally important to get it right so that the ombudsman process is seen as neutral and objective by patients and families.

Once again, thank you for the opportunity to appear before this committee. I welcome any questions.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Gavel, for your precision-timed remarks.

The floor passes to the PC side: Mr. Nicholls?

Mr. Rick Nicholls: I have nothing.

The Acting Chair (Mr. Shafiq Qaadri): Mr. Harris?

Mr. Michael Harris: No.

The Acting Chair (Mr. Shafiq Qaadri): The floor passes now to Madam Fife.

Ms. Catherine Fife: Thank you very much. Thank you for your presentation. I can appreciate the work that you do around navigating the various systems because they're very complex in the health care sector.

We share your concern around the ombudsman not having the kind of independence and power, if you will, to actually intervene in health care situations where families are in crisis. You touched on that: the vulnerability of the people. Do you want to share a story with us so that it actually may have some weight so that the committee may understand?

Ms. Mary Gavel: Recently, there was an elderly person with a disability. She was blind. She was having great difficulty in accessing health care services through the community care access centre. She was extremely afraid to go forward with those concerns because she felt that if she went forward, her services would be cut. Again, while we know that that's not going to happen, it is certainly a fear.

I have dealt with numerous situations within the public health care system where patients, or mostly family—and I know the OHA presentation touched on it. Patients are looking for closure. So it's not always necessarily that there has been a wrong done within the health care system, but when there is a lack of trust, it is difficult to go forward to an ombudsman, first off, within a hospital. The patient relations staff are employed by the hospital. Taking it outside to a patient ombudsman that's reporting through the Ministry of Health, I do not believe that, based on the stories—again, I want to emphasize that a large number of complaints and issues are resolved on a daily basis, but for those instances, I really believe that it needs that extended oversight.

Ms. Catherine Fife: And do you share our concern as well that while the Ontario Health Quality Council is given enhanced functions to monitor and report on the performance of hospitals', CCACs' and long-term-care homes' patient relations, the Ombudsman does not have oversight, and we know—

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Catherine Fife: So can you touch on that a little bit?

Ms. Mary Gavel: Yes. The Ombudsman's office will not have the oversight to intervene. I heard many times throughout my career in the public health care system where patients just were not satisfied, went to the Ombudsman's office and were turned away. I really do share that they're going to fear that this is not an independent third party.

Ms. Catherine Fife: I thank you for your time today.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Fife.

To Mr. Colle, the government side.

Mr. Mike Colle: We just heard from the Ontario Hospital Association, who said they don't want the Ombudsman over the patient advocate. You're saying you don't want the patient advocate; you want the Ombudsman.

Ms. Mary Gavel: Correct.

Mr. Mike Colle: I guess the question I have for you is, in this bill we're going to give the Ombudsman not only the power to respond to questions from the public of all the Ontario ministries—the Ministry of the Environment, the Ministry of Labour and on and on—but we're also going to ask the Ombudsman now to take on oversight of municipalities, all 430 of them, school boards—I don't know how many hundreds of school boards—and then the universities and colleges.

Ms. Mary Gavel: Correct.

Mr. Mike Colle: So if I'm a patient—and I know we deal with a lot of patients in my office. We act as an ombudsman almost every day, dealing with OHIP and everything. But that individual coming in with a concern is going to go to the Ombudsman, who's going to have time in his very busy, expanding schedule to deal with all these new responsibilities, plus the existing responsibilities. Wouldn't you think it's better to have someone who's focused on the patient rather than focused on school boards, universities, colleges, cities, towns, whatever?

Ms. Mary Gavel: Okay. I believe—

Mr. Mike Colle: Isn't the ordinary Joe or Jane going to be lost in the shuffle?

Ms. Mary Gavel: I believe that that Ombudsman is truly an independent. As I said in my submission, many and most concerns—and the first place of point of contact for addressing concerns, as I strongly believe, is at the point of care and that proactive approach. Again, it's my understanding currently that the Ombudsman's office will refer—the question they would ask is, "Have you spoken to the hospital?" So they would be referred back.

I'm not saying that there won't be additional staff required. I don't know the numbers that they would actually deal with. But I do believe, based on my experience, that they would be seen as being truly that independent third party.

Mr. Mike Colle: But they're going to have time to deal with your individual issue—

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Mike Colle: —when the Ombudsman is already taking care of the school boards. 430—

Ms. Mary Gavel: Well, they do it in all of the other provinces.

Mr. Mike Colle: Yes, but none as big as Ontario, not with 13.6 million patients.

Ms. Mary Gavel: I still believe that they would have the—

Mr. Mike Colle: I could see New Brunswick maybe, PEI, Nova Scotia, Manitoba, but 13.6 million patients—

Ms. Mary Gavel: Okay, so what happens then, when a patient goes to the patient ombudsman under Health Quality Ontario and they're not satisfied—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, colleagues. Thank you, Ms. Gavel, for your deputation and written submission.

MR. LIONEL TUPMAN

The Acting Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward: Mr. Lionel Tupman, who I understand is in his capacity as a private citizen. Mr. Tupman, do you exist?

Interjection.

The Acting Chair (Mr. Shafiq Qaadri): There you go. Mr. Tupman, welcome.

Ms. Catherine Fife: Great timing. That was great timing.

Mr. Lionel Tupman: I was watching in the other room.

The Acting Chair (Mr. Shafiq Qaadri): Please have a seat. Your time officially begins now.

Mr. Lionel Tupman: Thank you. Good afternoon, committee members. My name is Lionel Tupman, and I am here today to make submissions in relation to Bill 8, the Public Sector and MPP Accountability and Transparency Act, 2014.

By way of introduction, as some of you may be aware, I ran as a candidate for the Liberal Party in the Niagara Falls riding in the recent election. However, I am not here in that capacity at all. I speak today as a barrister and solicitor and a member of the Law Society of Upper Canada, at the behest of members of communities from around Ontario whom I represent in public interest advocacy. In this light, I turn to my submissions regarding Bill 8.

I, along with many other public advocates around Ontario, applaud this legislation as a long-overdue step towards greater accountability for our public sector. I submit to you that greater accountability of administrative public sector actors at the municipal level is required in Ontario and that there is a significant void in terms of the recourse available to aggrieved citizens of Ontario who seek redress in relation to matters such as compensation paid to school board directors, and decisions of municipal bodies and, I know, with particularity, with respect to school boards in Ontario.

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Turning to specific aspects of this bill, it is a very key and excellent element of this bill that compensation of school board directors is now subject to the type of review contemplated in schedule 1.

In theory, while elected officials as school board trustees have some degree of oversight of school board administrative compensation, the reality on the ground is that school board trustees are not always well situated or qualified to provide the oversight necessary to ensure the appropriate expenditure of public funds.

Moreover, and of far greater significance, currently there is no accessible recourse for members of the public, short of costly litigation, which I will describe more fully.

On the topic of administrative litigation, I refer you to schedule 6 and the amendment in section 4.1 to the Municipal Freedom of Information and Protection of Privacy Act, which imposes the obligation on public institutions that reasonable measures respecting the records in the custody or under the control of the institution are developed, documented and put into place to preserve the records in accordance with any record-keeping or records retention requirements, rules or policies established under the act or otherwise, and so on.

From a litigation standpoint, and in respect of litigants in Ontario, this is an important aspect, because when you are a member of the public seeking to challenge the administrative actions of administrative public bodies, it can be very difficult to get the documents necessary to found your claim. So I applaud this particular section, because it's very helpful to people who want to challenge public bodies.

Finally, I turn to schedule 9, which makes the Ombudsman Act applicable to school boards. Historically, aggrieved citizens' groups who sought to challenge the decision of a school board were required to bring an application for judicial review to Divisional Court. Depending on the circumstances of such an application, this could range in price between \$30,000 to \$50,000, perhaps more. It's my hope that this amendment to the Ombudsman Act will allow for, firstly, greater accountability of school boards in the decision-making process and, secondly—and I highlight this point to the committee—for a more accessible dispute resolution process which is more efficient and cost-effective, which doesn't require enormous expenditures for members of the public to ensure a school board has acted properly.

One remaining question which I pose for the committee's consideration is whether the amendment to section 14(4) of the Ombudsman Act is clear on the point of whether aggrieved citizens seeking redress must exhaust their remedies before the courts before bringing the application before the Ombudsman, or whether they can proceed to that Ombudsman step before exhausting such expensive remedies. I don't know that it's resolved by the act. That is one concern that I have.

An important metric in the consideration of this bill by this committee and by the members of this Legislature

must be the recourse that members of the public have currently—

The Acting Chair (Mr. Shafiq Qaadri): One minute.

Mr. Lionel Tupman: That's all.

The Acting Chair (Mr. Shafiq Qaadri): Instantaneously well timed.

We'll pass it to the PC side: Mr. Nicholls.

Mr. Michael Harris: You have a minute left.

Mr. Lionel Tupman: Oh, I have a minute left?

Mr. Michael Harris: You have a minute. He said a minute.

Mr. Lionel Tupman: Oh, I thought he said I was done.

The Acting Chair (Mr. Shafiq Qaadri): No, you do have a minute. Go ahead.

Mr. Lionel Tupman: Okay. Thank you. An important metric in the consideration of this bill by this committee and by the members of the Legislature must be the recourse that members of the public have currently, when they believe something has gone wrong in the course of the exercise of administrative decision-making.

Litigation is costly. Litigation is slow. I'm a litigator and I'm saying this. Litigation can sometimes prohibit unjust and erroneous actions of administrative decision-makers from seeing the light of day and being set right.

This bill, in my submission, helps to alleviate some of these issues.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Now to the PC side: Mr. Nicholls, Mr. Harris?

Mr. Michael Harris: I know Mr. Nicholls has got a question coming up.

Every time I hear about public sector and MPP accountability and salary disclosure, I think of Chris Mazza and Ornge. Obviously, the Liberals have been in place for now 11-plus years. Do you think, if a bill like this had been in effect years ago, it would have prevented the chaos and the ongoings at Ornge, in terms of Chris Mazza making a million-plus dollars? Do you think it would have perhaps allowed Ontarians to see further into an agency like Ornge before it got out of control to the extent that it did?

Mr. Lionel Tupman: I'm not prepared to speculate on that point, so I can't provide you an answer. I can't tell you what would have happened retroactively, unfortunately.

Mr. Michael Harris: But it could have been useful, had we had this legislation years ago, probably.

Mr. Lionel Tupman: Or other legislation perhaps could have avoided many things, but I am not prepared to speculate on that point.

Mr. Michael Harris: All right. Rick, do you have a question?

Mr. Rick Nicholls: No.

The Acting Chair (Mr. Shafiq Qaadri): Madam Fife?

Ms. Catherine Fife: Thank you very much, Mr. Tupman, for your deputation. I'm interested—why the focus on school boards? There are millions of dollars being spent on public sector salaries, and this legislation

does not bring in a hard cap, so it actually doesn't address one of your key concerns. I'm the past president of the Ontario Public School Boards' Association, so I've been at that table negotiating director salaries, and it's not an easy thing to do. You've identified this one specific area of concern. Can you tell me why?

Mr. Lionel Tupman: In addition to the salaries issue, there is also the question of the reference to the Ombudsman for what are alleged to be, in some circumstances, actions on the part of the school board which violated procedural fairness. But that aside, the reason I chose to focus on education is because, as a lawyer, I have seen a proliferation of education-related litigation. There are judicial reviews of school board decisions proceeding across this province—more this year than we've seen in the past 14 years.

Ms. Catherine Fife: That's really interesting. Do you know that a majority of the judicial reviews have to do with special education underfunding and parents fighting for equal rights for their children in the education system? There are two issues at play here. You wouldn't see an increase in court litigation if education for special-needs children was adequately funded.

Mr. Lionel Tupman: Be that as it may, the point I'm making is that the cost of litigation is prohibitive. Regardless of the causes of education-related litigation—whether it relates to directors' salaries or whether it relates to anything else, to school board decisions relating to procedural fairness—the concern is that, in some circumstances, litigants are barred. This is an access-to-justice issue as much as anything else. Litigants are barred from proceeding against administrative actors like school boards because they can't scrape together the \$50,000 or whatever that they need to proceed with a judicial review—

Ms. Catherine Fife: Is this the recourse you've been talking about? You think that people don't have recourse. As my colleague mentioned, the public sector salaries outside of school boards are just growing. There are so many examples, like Pan Am or Ornge, and the people of this province have no recourse except for legislation, and this legislation doesn't address it.

Wouldn't you like to see a hard cap in this piece of legislation?

Mr. Lionel Tupman: I can't say that that's necessarily appropriate. In fact, I wouldn't go so far as to say that. I think the circumstances of each compensation issue have to be determined individually, and I don't think that can be appropriately addressed in the legislation.

Ms. Catherine Fife: With regard to school board directors' salaries, executive compensation—

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Catherine Fife: It will be public, following this. But the same argument is going to be made: that no hard cap can be applied to those positions if we don't start somewhere—with a fair, industry-level hard cap.

Mr. Lionel Tupman: I'm not sure that a hard cap is appropriate. I think something more than the simple

oversight that exists at the moment is necessary. I think there is some concern as to the capacity and the efficacy of trustees in addressing these issues. I think that a review of the circumstances on the ground at school boards sees that the trustees aren't necessarily well suited to—

Le Président suppléant (M. Shafiq Qaadri): Merci pour vos questions, madame Fife.

Monsieur Baker, vos questions. The floor is yours.

Mr. Yvan Baker: Thank you, Mr. Tupman, for coming in and sharing your thoughts.

On your point about compensation, one of the things that I think is in this bill that will hopefully help address some of the concerns that have been expressed is—and this allows us to gather the information around what that compensation is before we start imposing any kind of framework.

On your issue about accountability within the school board sector, of course the bill extends the Ombudsman's powers over the school board and will hopefully address many of your concerns. We talked earlier about how there were, in 2013, 1,600 complaints raised to the Ombudsman around municipalities. Well, I can only imagine how many there would be around school boards.

Could you speak a little bit on what you think the benefits are of expanding the Ombudsman's oversight to school boards?

Mr. Lionel Tupman: Tempered by the concern I have with respect to the amendment of section 14—and really, that is the question as to when the Ombudsman's authority becomes effective—I understand the point of the legislation to be in that case that aggrieved parties must exhaust their remedies before the school board before they can proceed to contact the Ombudsman. But there is some discrepancy in that particular section about whether that includes proceeding as a judicial review before a court, which is, of course, my concern, because judicial reviews are incredibly costly.

I guess the benefit of having the Ombudsman's oversight—provided I'm correct in my interpretation that an aggrieved party doesn't have to proceed with a judicial review before they can proceed with an application to the Ombudsman—is it could be a far more cost-effective and expeditious manner in, first of all, weeding out complaints that had no chance of success, thus decreasing the burden on our court system, should judicial reviews continue to proliferate. Then, secondly, in the event that these complaints are well-founded—and I think that in quite a few cases, if litigants start a judicial review and they're going to go through with it and they're going to invest the time and the money into proceeding with a judicial review, they really have something solid. The point is that the Ombudsman could act in a way to sort of alleviate the strain that's created by this proliferation. Secondly, the Ombudsman may be able to address the concerns of aggrieved people, be they parents or students or whoever, without going through the process of a formal judicial review, which, as I said, takes time and is very, very costly.

1500

Mr. Yvan Baker: What kind of complaints, what kind of issues, do you think the Ombudsman might be able to address if given this expanded oversight?

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Lionel Tupman: I think that the Ombudsman would be well suited to address complaints which are of a broader nature than traditional judicial reviews. Ordinarily speaking, a judicial review can be commenced by a party who believes that they haven't been afforded procedural fairness in the board's decision-making authority. But the Ombudsman's authority is actually somewhat broader than that. It's not limited strictly to board decisions which it is alleged were executed not in accordance with procedural fairness. This may be a way to—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Tupman, for your deputation and your written submission.

OFFICE OF THE OMBUDSMAN, CITY OF TORONTO

The Acting Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward: Ms. Fiona Crean of the Office of the Ombudsman of Toronto.

Also, colleagues, we will now begin rotation by parties. Ms. Fife, you'll have the first round of questions.

Welcome, Counsellor, and please begin.

Ms. Fiona Crean: Good afternoon. Thank you. I want to start by praising the Legislature's commitment to accountability and transparency. The need for independent ombudsman oversight is particularly apparent at the municipal level, and the expansion of jurisdiction to the Ontario Ombudsman is timely.

Bill 8 has it wrong in one sense. Toronto has always had an ombudsman with the same powers and independence as the Ontario Ombudsman. Bill 8 creates the potential for two ombuds with the same investigative and remedial powers to deal with the same matters. This is not only wasteful and inefficient, but it is unprecedented in Canada and around the world.

Let me give you some background. In 2006, the City of Toronto Act was enacted by the province, which had the foresight to create a statutory ombudsman at the city of Toronto. In doing this, the Legislature recognized that Toronto is distinctive and required greater autonomy. The Toronto ombudsman is uniquely situated to address and resolve complaints in Canada's biggest city, the sixth-largest government in the country. We serve 2.8 million residents in a city with a workforce of some 50,000 public servants, larger than eight other public services in the country.

Our story is a good one. The office has proven itself. City council has adopted all of my recommendations since we opened in 2009. We've conducted 24 systemic investigations, doing things such as improving governance at the Toronto Community Housing Corp., creating a framework for addressing residents with diminished

capacity, and preventing seniors from being evicted from public housing by improving systems and accountability.

Let me go to the nub of the problem: It's about duplication of effort. The function of the Toronto ombudsman and the Ontario Ombudsman is exactly the same. Both are independent officials acting as a last resort to investigate complaints. Both fulfill the universal criteria of our profession: independent and impartial investigators with credible and confidential investigation processes. A review by the Toronto ombudsman or Ontario Ombudsman is final. That means there is no right of review except where the ombudsman is challenged in court for lack of jurisdiction.

Bill 8 destroys the principle of finality and runs contrary to all international standards. It proposes duplication, with the associated costs and regulatory burden: two ombudsmen of different jurisdiction investigating the same thing all over again. This will promote confusion, red tape, duplication, inefficiency and unwarranted costs. In fact, the Toronto ombudsman will become the first example in the world where an ombudsman of last resort will be subject to the review of another ombudsman of last resort.

Here's a case in point: An investigation into HR practices at the Toronto Community Housing Corp. uncovered evidence that senior management repeatedly broke the rules, staff were hired and fired without process, contracts were unilaterally altered, and executives failed to declare conflicts of interest. The board accepted all of my recommendations, and the CEO and other executives resigned in the days following.

Let's take a look at what would have happened if Bill 8 had been law. It would have allowed potential complainants to ask the Ontario Ombudsman to reinvestigate the issues that I had already concluded. The corporation and its board would be bound by due process to await the outcome of the second investigation before moving forward with implementation of my recommendations. Without a doubt, this would have paralyzed the organization. Without a doubt, the CEO would still be in place, and the corporation and its employees—

The Acting Chair (Mr. Shafiq Qaadri): One minute.

Ms. Fiona Crean: —and, most importantly, the tenants would continue to suffer in the interim.

In sum, I applaud the government for its bold and progressive steps. Accountability is indeed important, but this provision in schedule 9 will paralyze what is currently an effective office of oversight.

I have three recommendations. The first is that the city of Toronto be exempted from Bill 8, the second is that whistle-blower protection legislation be extended to municipal employees, and the third is, if the city of Toronto is not exempted, then at minimum, that the confidentiality of Toronto ombudsman investigations be maintained.

Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Crean.

Madam Fife, the floor is yours.

Ms. Catherine Fife: Thank you very much for coming here today. I don't have a hard copy, and I would like a hard copy of that presentation, if possible, especially around the recommendations.

How many municipalities across Canada have an ombudsman?

Ms. Fiona Crean: Three.

Ms. Catherine Fife: Three. And what are they?

Ms. Fiona Crean: The city of Montreal and Sherbrooke. Actually, Quebec City has one, but not an ombudsman.

Ms. Catherine Fife: What do you think the historic issue has been in not having municipal ombudsmen?

Ms. Fiona Crean: I think that's a political question. The answer to this is that Bill 8, following from the city of Toronto—the province saw fit to put in place the City of Toronto Act with an ombudsman, and other municipalities have not followed suit, although the provision is there for them to do so.

Ms. Catherine Fife: But you made a compelling case about the value of a municipal ombudsman, and you've made a compelling case, in some regards as it relates to Toronto, against a provincial advocate. It's not actually meant to be political. I really do want to know. What are the historic issues? Municipalities just don't see the value in it, or they don't want to go down that road?

Ms. Fiona Crean: I would be speculating in response to your question. What I can tell you is that with the complexity and size of this city government, there is no question that there is a compelling need to have an ombudsman focused on this size of government. That's what the province did nine years ago, or whenever it was.

Ms. Catherine Fife: With regard to the provincial, we support some oversight, because there has been a historic lack of transparency across the province—some obviously stronger than others—around openness and transparency, and ironically “accountability and transparency” is the name of this omnibus bill. That was a political statement.

But do you think that a provincial Ombudsman then would—is your fear or your concern that a provincial Ombudsman would then trump the local needs of the city of Toronto?

Ms. Fiona Crean: In response to your question, an ombudsman is a place of last resort. There is finality there. So we're now creating a last resort with another last resort. It's simply duplicative. Concurrency makes no sense. Nowhere else in the world does this occur. It's not a question of trumping. Should Bill 8 go through unchanged, we will be a very effective complaints office, but we will cease to be a statutory ombudsman.

Ms. Catherine Fife: Very good. Thank you very much.

The Acting Chair (Mr. Shafiq Qaadri): To Mr. Colle, the government side: three minutes.

Mr. Mike Colle: I guess I have a little bit of an issue with your portrayal of the powers you have and then the fact that we may want to have a comprehensive-power-based Ombudsman for Ontario, because some of the

problems Toronto may experience may be similar to the same ones in North Bay or Kitchener or Kingston. Therefore, some of the problems are system-wide, and you can't look in isolation at one municipality like Toronto. So the Ontario Ombudsman would have an opportunity to look at it. Let's say voter accessibility: It's not just a Toronto issue; it's a province-wide issue, so there needs to be perhaps a province-wide look. Maybe a complaint is made. Talking about accessibility: The variation of polling station standards across this province, whether provincial or municipal, is just beyond anyone's rationality. It should be looked at province-wide.

That doesn't preclude you from looking at Toronto's issue, but we need a systemic approach sometimes.

1510

Ms. Fiona Crean: I agree with you. The examples that you've used come from a provincial mandate or jurisdiction. If you want to look at something like how Ontario Works is dispensed, you're looking at provincial legislation.

Nothing I have said would preclude a system-wide look at something across the province. Respectfully, I cannot conceive of anything that is at the municipal code level that would apply in Toronto in the same way as it does in Hearst. I'm not saying that's not possible, but I really, respectfully, think that this is a solution looking for a problem.

Mr. Mike Colle: On the other hand, how can you exclude the 2.8 million people of Toronto from a systemic intervention on behalf of the provincial Ombudsman? Certainly I commend you for the heroic work you've done at the city of Toronto. I know how they've basically tried to challenge you in the last year or so on continuing your salary and your work and so forth, your contract. Maybe that's a reason why we need an independent ombudsman, provincially, so they won't be susceptible to the whim of council. You're the textbook case: You're doing such great work, and because you did great work you were challenged, and they weren't going to renew your contract.

Ms. Fiona Crean: But the framework at the city of Toronto, Mr. Colle, precisely mirrors that of the province. We have an integrity commissioner whose job is to investigate political conduct. That is the same at the provincial level. The provincial Ombudsman has no more jurisdiction to investigate politicians than I do in both statutes.

Mr. Mike Colle: If we don't debate the renewal of a contract before the Legislative Assembly here—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Colle.

To the PC side. Ms. Thompson.

Ms. Lisa M. Thompson: I'm fine for now. Thank you for coming.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson, and thanks to you, Ms. Crean, for your presentation, deputation on behalf of the office of the Toronto ombudsman.

TORONTO CATHOLIC DISTRICT SCHOOL
BOARD

The Acting Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward: John Del Grande, trustee of Toronto Catholic District School Board, representing ward 7. Welcome and please begin.

Mr. John Del Grande: Good afternoon, committee members, legislative support staff and gathered public. I'm currently a trustee with the Toronto Catholic District School Board representing ward 7, Scarborough-North York, first elected in 2003 and re-elected twice thereafter. My ward represents about 18 elementary schools and four high schools, representing approximately 10,000 students and over 35,000 school electors.

I'm in my final five days of service after a self-imposed term limit and wanting to focus on family and other activities. I've had the pleasure of being a witness before standing committees here a number of times over my tenure.

I welcome Bill 8's focus on adding certain accountability and transparency aspects pertaining to government and governmental organizations. I will say that government has gotten many of the fundamentals right in this bill. I applaud the venture into greater accountability and associated controls for the Ontario government, its institutions and associated entities. I thank you for the opportunity to provide comments with respect to Bill 8, Public Sector and MPP Accountability and Transparency Act, 2014.

I have focused my comments primarily on matters in the schedules within this bill that affect the management of school boards in this province. I make my submission as an individual trustee in one of Ontario's largest Catholic school boards. My materials have been provided to you.

One of the most fundamental aspects of this bill relates to the expansion of the provincial Ombudsman's role. We have huge institutions in this province by way of school boards that are almost 98% funded from the Ontario government, which affect the lives of students and families closer than no other. While elected trustees are the lowest form of democracy, and I've always taken the responsibility of helping to resolve constituent concerns and making the necessary changes to policy or procedure, the fact of the matter remains that we have large school boards, and "trustee" is only a part-time role. Many of the issues and concerns are buried within the system. I have long wondered whether the solutions and concerns I'm finding and solving locally are in fact happening in the eleven other wards across the city.

To make a note, our board was set to become one of the first school boards in the province to approve and appoint an ombudsman. It's been discussed over the last 16 years at our school board. The concept and launch were unfortunately stifled by staff and subject to legal interpretation. We even had an MPP in the past investigate the issue with the government legal branch. We need explicit provision for school boards or school board

authorities to hire their own ombudsmen and have them report directly to the board of trustees.

To give you some perspective in terms of issues, issues in my office can range from about 20 a month, ranging from unfair practices to policy issues and local concerns. Trustees act as ombudsmen all the time. I've even had conversations with the Ontario Ombudsman, that if oversight was given to the MUSH—minus the "H"—sector, in order to understand all the intricacies and policies of a school board, we would need a whole rethink of how services would be delivered and structured within the Ombudsman's office. It will be no easy feat, because the players, processes and policies differ between school boards across the province.

We all welcome the oversight, but be prepared: The net cause a lot of times is chronic funding issues and challenges keeping up with special education.

After seeing the herculean effort the Ombudsman has done with respect to the limited scope of municipal oversight with respect to closed meetings, you haven't begun to see what's below the iceberg at school boards. Municipalities have had it better with respect to meetings, notices and sunshine laws that have been instituted for a while.

At school boards, the Education Act has a number of conditions where matters may be closed to the public. I've found that except in rare circumstances, it's always being interpreted as closed, and even matters that are uncomfortable to discuss are being reserved to be closed out to the public.

From a cost and containment issue, while accountability layers are important, we must recognize that there are a number in place. Accountability layers are important. In all government organizations there exists some form of management controls and an elected or appointed governance body. Where government organizations and municipalities have established or appointed their own ombudsmen, prudence needs to be exercised so we don't create duplicating layers of accountability and citizen recourse. There will be cost impacts and opportunities for abuse of process.

Most universities have had ombudsmen, and Toronto specifically is required in the Toronto act to have its own. These roles have been well defined and their investigations have brought attention and changes where required. Many, if not all reports are made public.

I would strongly recommend, where ombudsmen exist in organizations that have similar provisions to that of the Ombudsman Act, that the provincial Ombudsman's role be limited to matters where it's deemed to be a systemic or a potentially wide-ranging provincial issue. While it's important to have transparency up and down the line, some things, including local issues pertaining to one board and municipality, do not need to be presented and become the debate of the Legislative Assembly.

One factor for the assembly to consider is whether students are allowed to make applications directly to the Ombudsman or if it has to follow through their parents. I've also made a number of recommendations pertaining

to schedules 3 and 11 in my presentations and I'm prepared to take any questions from the members today.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Trustee Del Grande.

To the government side: Mr. Baker.

Mr. Yvan Baker: Thank you for your submission, first of all. It seems as though there's some agreement from your side about the need for oversight. I know that the TCDSB in its last budget set aside funds to bring forward an ombudsman. My understanding is that it's the first school board in Ontario to bring forward such a role or to put in place such a role. I think that possibly speaks to the positive impact of this bill in that we're encouraging greater accountability throughout the school board sector.

You raise the issue of duplication, and I think one of the things that's in this bill, it's important to note, is that every school board has the option of bringing forward an ombudsman, as has been done at the TCDSB. The Ontario Ombudsman would only have oversight once that process has been exhausted, so there wouldn't be duplication; it would be a separate level of oversight. It would allow us to have that system-wide view that my colleague from Eglinton–Lawrence was speaking about earlier in the session.

Again, my question to you is, what do you think some of the benefits of having greater oversight over school boards would be?

Mr. John Del Grande: Oversight is important, like I said, because you've got different organizations, large systems there where citizens have issues, and there's a lot of bureaucracy in the system. That's not to say bureaucracy is bad, but there are a lot of moving parts in the system. Having that other layer of oversight that can provide to the elected body where there are issues of concern and possibly change policy or legislation is an important factor.

To your earlier point of duplication, I heard the presentation from the Toronto ombudsman and I agree with her premise that, in the case of Toronto, where they have an ombudsman established by an act, there's no point in having a second person who would kind of re-trump them. If you look at my submission specifically, I've said, add the clause "where it's deemed a systemic or province-wide issue." Then very clearly, you have clear lines of delimitation between a local ombudsman and a provincial Ombudsman, where ones exist of that nature. Obviously, if there's no ombudsman in that organization, then the provincial Ombudsman can have full authority over everything.

Mr. Yvan Baker: Can you talk a little about a specific example so that the folks watching at home on television can understand? What are the specific types of issues that might be addressed through greater oversight, through the oversight of an ombudsman?

Mr. John Del Grande: One issue could be closed meetings, so the public knowing in terms of what's being discussed at the school board and whether items really should be kept secret, out of the public eye or not. That's

obviously a classic issue that happens to municipalities. Special education is another one in terms of procedural issues around that, in terms of getting access to the services students need. Another issue could be in terms of following through on procedural fairness or policies, because that could be one of the biggest pieces in front of them: Was the policy followed? Was the procedure followed? Because a lot of the school boards have these things documented through and through.

1520

Mr. Yvan Baker: You spoke about the duplication issue just a moment ago. TCDSB has been the only one so far to bring forward this idea of an ombudsman—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Baker.

To the PC side: Ms. Thompson.

Ms. Lisa M. Thompson: Thank you for coming in today. I very much appreciate it.

My questions go around where my colleague was going as well. I would like to talk a little bit more about the ombudsman oversight that you're proposing. And I just want to go back and visit your recommendation 2(a): "Add an explicit provision in the Education Act for district school boards or school authorities to appoint their own ombudsman." How did you come to that conclusion? Are you hearing from other school boards that they're looking for this oversight?

Mr. John Del Grande: There's some fear by school boards that are afraid of extra oversight, but there are others that would like that oversight.

The issue that we particularly ran into was whether we could or could not, under the Education Act, appoint an ombudsman. I think it was deemed that we could. The issue then became reporting lines because, with an ombudsman, reporting lines need to report directly to the general assembly or the elected assembly. It cannot report through staff. Although we perhaps found a way around it when we were looking at it, it would be good for the provincial government to actually add that as a statute to make it very clear, so that school boards—large school boards particularly. If you look in Toronto, you have two very large school boards in the whole province. They're the size that might actually deem that they need their own local ombudsman.

Ms. Lisa M. Thompson: Interesting. In terms of the type of oversight, it's interesting that, over the last 10 business days or so, we're getting a glimpse of where we could be going with education here in Ontario. There's a very real threat of school closures. When you were giving examples of the type of things you see an ombudsman looking over, I found it interesting that by exclusion—it jumped out at me—accommodation reviews. Where do you see that appeal process falling? Because rural Ontario is seeing schools closed in a very rapid action. Where do you see accommodation review appeals falling? Would it go to a school ombudsman?

Mr. John Del Grande: It could well be there. As you know, the government, through various "B" memos and legislative pieces, has put a lot of rules around accommo-

dation reviews, and school boards are required to have robust policies around those pieces. I think the role of the ombudsman is to make sure that the process has been followed, to give people the appeal to go there, but obviously it's not the ombudsman's role to overturn or recommend the overturning of school accommodation reviews. They are an unfortunate reality of—I will call it funding issues and planning for the 1970s compared to 2010 enrolments and demographics.

Ms. Lisa M. Thompson: But in essence this could, with regard to the procedures around fairness.

Mr. John Del Grande: Absolutely.

Ms. Lisa M. Thompson: Yes. Okay.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson.

Ms. Fife?

Ms. Catherine Fife: Thanks for coming in, John. And congratulations on three long terms that you survived at the Toronto Catholic school board.

I find it interesting that you raised the issue of having a local ombudsman because you also, in part of your presentation, accurately described what has, over the last 12 years, been an increased centralization of power imposed on school boards. I was really happy to see that you identified something which is my shared concern, the challenge around funding for special education needs. Is there some case to be made for having a provincial Ombudsman over school boards who would identify the systemic underfunding of special education and therefore might come to a resolution, versus having a local ombudsman?

Mr. John Del Grande: I think there's room for both. As I said, the local ombudsman may look in terms of the established procedures: Has all the process been followed, have the things that were supposed to be done—in IEP, for example, through the IPRC process—been done? That absolutely is a local issue to resolve at that point. We have to know the school board policies and the players at hand. For the role of the provincial Ombudsman, if you take my recommendation, they may look at the systemic problems of delivery, of underfunding, that we can't deliver on what we're supposed to be delivering on. Absolutely then, that becomes a provincial issue because ultimately that's where the cheque is coming from at the end of the day.

Ms. Catherine Fife: And you would have this local ombudsman report to the board? The board of trustees?

Mr. John Del Grande: Absolutely. To the trustees.

Ms. Catherine Fife: And then you would see that recommendation have to go through the board of trustees and come to the provincial advocate?

Mr. John Del Grande: The provincial Ombudsman could look at the reports of local ombudsmen to see where there are issues being raised. Or, of course, if someone wants to make a deputation to the Ontario Ombudsman, or he realizes that there may be an issue of systemic interest, then absolutely that would clear the way. But I think you really need to, in this legislation, remove any doubt of duplication, and to clearly separate,

where you have two ombudsmen—as I say, if you don't, then there is clear, full authority—but if you have two, that they're not overstepping each other or creating ultimately double courses of last resort.

Ms. Catherine Fife: School boards have long opposed a provincial Ombudsman because they felt it was disrespectful, I think, or undermined the local democracy. Of course, municipalities feel even more so in that regard. But I think that we've actually come to a breaking point in the province with regard to the accommodation of special needs, which now is exclusion.

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Catherine Fife: I think our hope, and I would like for you to comment on this, is that that a provincial Ombudsman would accurately identify a lack of funding so that we could address it here at the provincial Legislature. Do you think that's a possible outcome?

Mr. John Del Grande: Absolutely, and I don't think you need an Ombudsman to tell you that. Just hear from the parents every day on those pieces.

Ms. Catherine Fife: I know. I hear you.

Mr. John Del Grande: Thank you for your time today.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Del Grande, for coming forward and for your deputation.

PATIENTS CANADA

The Acting Chair (Mr. Shafiq Qaadri): Now I'll invite our next presenter to please come forward: Mr. Brian Clark, adviser to Patients Canada. Welcome, and your time officially begins now.

Mr. Brian Clark: Good afternoon. I'll be very brief. I'm an adviser with Patients Canada. Patients Canada is a patient-led organization that fosters collaboration between patients, families, caregivers and the health care community.

We're delighted that the Ontario government is creating an ombudsman, and we think this is a first step in the right direction. We also believe strongly that the ombudsman should report to the Ontario Legislature. This government has an agenda for transparency. What better transparency than having this ombudsman report to the Legislature?

Thank you.

The Acting Chair (Mr. Shafiq Qaadri): You're finished your remarks, Mr. Clark?

Mr. Brian Clark: Yes, I am.

The Acting Chair (Mr. Shafiq Qaadri): To the Liberal side—any takers, colleagues? Ms. McMahon.

Ms. Eleanor McMahon: Mr. Clark, hi.

Mr. Brian Clark: Hi.

Ms. Eleanor McMahon: Thank you very much for coming here today. I see you have extensive experience in the health care sector.

We're taking a sector-specific approach to health care oversight by proposing the appointment of a fully in-

dependent patient ombudsman who will oversee public hospitals, long-term-care facilities, community care access centres and issue annual reports to the public. Does your organization support having a patient ombudsman oversee the health care sector? Can you expand on that a bit?

Mr. Brian Clark: Absolutely. Yes. Very much so.

Ms. Eleanor McMahon: Can you tell us a little bit about what that would look like from your point of view?

Mr. Brian Clark: Tell you what it would look like?

Ms. Eleanor McMahon: Right. What model do you think that should be? There are several options. Tell us what you think.

Mr. Brian Clark: The minister obviously sets his four priorities as—in two speeches I've recently attended—patient partnership, sustainability of the health care system, transparency and evidence-based care. Those are his priorities, and the best way to leverage those priorities, I think, is by walking the talk on this transparency issue. I believe the ombudsman should report to the Legislature because of that transparency. That transparency will also breed the trust in the system, which will enable the minister's primary priority, which is patient partnership. Patient partnership is built on trust and only works in a trust environment, and trust is built through transparency. So I would have thought that the minister would have been jumping at the chance to take any opportunity to walk the talk on this transparency issue, and I think this is a good vehicle to do that. Sorry, does that answer your question?

Ms. Eleanor McMahon: That's helpful. It's very helpful.

Given your years of experience in representing patients and navigating the health care sector and focusing on patient-centred care, which is certainly our model of care, what parts of the health care system will benefit most from the enhanced oversight of a patient ombudsman, in your point of view? If I may, a quick supplemental: As you probably know, the independent patient ombudsman will be able to initiate investigations and report annually. What are we looking at here? What do you think of this idea of a patient ombudsman, their capacity and their ability to report annually and really dig deep into the patient experience?

Mr. Brian Clark: I think that's all good stuff. I think that's very needed. I think the whole health care system is desperately in need of help and desperately in need of change, and the ombudsman could help right across the board.

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Ms. Eleanor McMahon: That's helpful. Thank you very much. I appreciate it.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. McMahon.

To Ms. Thompson, PC side.

Ms. Lisa M. Thompson: Thank you very much for being here. You just closed with a comment that I'd like to pursue. You just mentioned that the whole health care system is in need of a change, and you feel the role of an

ombudsman would help with that. Can you expand on that?

Mr. Brian Clark: The health care system is much as it was when it was designed more than 100 years ago. A hundred years ago, everyone was dying of acute diseases. Right now, 89% of the population die of chronic disease, and 3% of the population die of acute disease, despite Ebola.

We need a new health care system that is in tune with that reality. The primary vehicles we have within the health care system are hospitals and doctors' offices. Hospitals and doctors' offices are not the right way to treat chronic disease patients.

Ms. Lisa M. Thompson: Interesting. What is the right way for treating those patients?

Mr. Brian Clark: We certainly need hospitals, but we desperately need dramatically enhanced community and home care services as well. The best way to treat a person with a chronic disease is to stabilize them and maintain them, stabilized, in their own home. What the health care community should be focused on right now, in our opinion, is moving resources into the community and the home, to stabilize those people in their own homes.

Ms. Lisa M. Thompson: And you feel the resources aren't there today?

Mr. Brian Clark: No, they're not.

Ms. Lisa M. Thompson: Okay. I'm good. Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson.

To Madame Fife.

Ms. Catherine Fife: Thank you for your brief report. Do you share our concerns that the patient ombudsman cannot investigate a matter that lies within the jurisdiction of another person or body? They can't investigate retirement homes. Do you share the concern of that? Do you think a patient ombudsman should be able to go to a retirement home where health care services are being delivered?

Mr. Brian Clark: Yes.

Ms. Catherine Fife: As it stands right now with this legislation, the patient ombudsman can only enter a hospital, CCAC or long-term-care home premises with the consent of the organization or with a warrant. Do you think that that's necessary? Do you think that empowers a patient ombudsman?

Mr. Brian Clark: I don't think the consent should be needed.

Ms. Catherine Fife: Do you share our concern that the patient ombudsman, as it currently is in this legislation, is appointed by cabinet and therefore they're not an independent member of the office?

Mr. Brian Clark: That's right.

Ms. Catherine Fife: Do you also share our concern that they'll be employed by the Health Quality Council, so they are employed by an agency?

Mr. Brian Clark: Yes, I do.

Ms. Catherine Fife: That's good. You're a very smart man. I'm just joking with you. But can you please

explain a little bit further why the patient ombudsman, as is crafted right now, will currently not be effective, other than the reasons that I've just given you?

Mr. Brian Clark: I think it's all in the reporting. People pay attention to who they report to.

Ms. Catherine Fife: That's very good. Yes. We actually heard that earlier.

What do you think an effective, strong patient ombudsman would need to succeed and to protect the people in this province? It's a big ask.

Mr. Brian Clark: It is a big ask. I don't know whether I can comment on that.

Ms. Catherine Fife: No? In other provinces, as you pointed out, they have very clear reporting structures. There is a direct line of accountability, and the office of the ombudsman is truly independent, so they can actually do the work that they're called to do through the legislation.

I do appreciate you coming in and helping me make my points. Thank you very much.

Mr. Brian Clark: I agree with you. You're a smart lady.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Madam Fife.

Mr. Clark, before you leave, I have to ask: Is it Queensland or New South Wales, or where?

Mr. Brian Clark: I've been insulted by experts. I'm a New Zealander.

The Acting Chair (Mr. Shafiq Qaadri): A New Zealander. All right. Welcome. Thanks for your deputa-

OFFICE OF THE INTEGRITY COMMISSIONER

The Acting Chair (Mr. Shafiq Qaadri): I would now invite our next presenter. Mr. Melnyk, are you here? If not, we'll proceed to the presenter immediately after, and will therefore summon the Office of the Integrity Commissioner.

Je voudrais accueillir Lynn Morrison, commissaire à l'intégrité de la province de l'Ontario, et sa collègue, Liliane Gingras, legal counsel. Welcome, Ms. Morrison. I know you're well familiar with the drill. You have five minutes in which to make your opening address, to be followed by questions in rotation. Your five minutes begins officially. Procédez, s'il vous plaît.

Ms. Lynn Morrison: Thank you, Mr. Chair. Good afternoon, and thank you for this opportunity to meet with you today. I am the Integrity Commissioner of Ontario, as well as the lobbyist registrar. My remarks today are made in relation to both of these roles.

Three schedules in Bill 8 affect my work. Schedules 4 and 11 relate to two expense review mandates. I support the proposed amendments to these acts and am pleased they include my recommendation to have the ability to select from a rotating list of public entities for expenses review.

I would like to focus today on the proposed changes to the Lobbyists Registration Act in schedule 8.

I'm pleased that most of my recommendations have been accepted. I am particularly happy to see that, if passed, this legislation will allow the lobbyist registrar to investigate non-compliance with the act. This is an important tool that will improve the lobbyist registration law.

However, one of my recommendations was not included in Bill 8. I call it the 20% loophole. The act creates a registry to document lobbying activity in the province. The registry distinguishes between two types of lobbyists: consultants, and those who work in-house as employees of a company or organization.

Lobbyists, whether consultant or in-house, are individuals who are paid to communicate with public office holders in an attempt to influence certain government activities such as awarding funding or developing legislation. It may surprise some of the members of this committee that many of the stakeholders that government officials meet with are actually lobbying.

The two types of lobbyists are not treated equally in the act. Consultant lobbyists are always required to register. Even a brief phone call requesting a meeting triggers the requirement to register.

In-house lobbyists, on the other hand, are required to register only if they meet the "significant part of duties" threshold. This threshold is met if they spend 20% of their time communicating with public office holders. Simply put, this means that a full-time employee in a company would have to communicate with government officials for 96 hours in a three-month period before having to register.

That's a very high threshold. I believe it to be unrealistic, and it creates a two-tier system. I doubt that most of the in-house lobbyists on our registry meet that threshold. I do know some companies and organizations register to demonstrate transparency or because it's easier to register than to track lobbying hours.

In this two-tier system one company may decide to register even though it doesn't meet the threshold, while another company in the same industry will not register because the law does not require them to. This creates confusion for the public and registrants and undermines transparency. This is why the 20% loophole must be closed.

I propose that if the employees of a company or organization spend a total of five hours per year lobbying, they should be required to register. I believe that this is an appropriate threshold to exempt small business owners or employees of local community organizations.

Originally the 20% threshold was created when there was concern about the administrative burden of registering. Today, the registry is online, easy to use and it's free. In fact, more than 1,800 lobbyists register every year.

The Acting Chair (Mr. Shafiq Qaadri): One minute.

Ms. Lynn Morrison: To conclude, while this is a significant change to the legislation, it is vitally important

to ensure that lobbying in Ontario is transparent. It is a legitimate activity and registering contributes to transparency. I urge this committee to tighten the registration requirement and close the loophole.

The bill will improve our goal of ensuring a culture of integrity in the public service. However, we have an opportunity to do more. To that end, I have provided the committee with additional comment and material on the 20% loophole and some minor housekeeping amendments that will ensure additional clarity to the legislation.

Thank you for this time. I welcome any of your questions.

Le Président suppléant (M. Shafiq Qaadri): Merci, madame Morrison, pour vos remarques introductoires. Je passe la parole maintenant à M^{me} Thompson.

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Ms. Lisa M. Thompson: Thank you very much for being here today. I very much appreciate your comments. You had some recommendations accepted. I can sense your frustration that the transparency component associated with the 20% loophole was not embraced by this government, and I was wondering: When you got word that it wasn't accepted as your other ones were, did you rationalize why it wasn't?

Ms. Lynn Morrison: It was my understanding that there was concern by members that this would catch their local constituents when they came in to meet with them. That said, local constituents are not paid, and that's a criteria. Any constituents who come in on one-off issues don't lobby for 96 hours and certainly don't lobby for five hours. It's my feeling that five hours is a good amount of time: that if you're lobbying for five hours, you can take 20 minutes to register on a free registry.

Ms. Lisa M. Thompson: Fair enough. That's well said. Thank you for that.

What are some of your concerns? If we don't close this loophole, what are your concerns in terms of negative outcomes? What could happen? What have you seen happen? What could happen in terms of moving away from transparency?

Ms. Lynn Morrison: That's just it. It's not transparent. There are a lot of non-profits that are just as powerful as a consultant maybe, a government relations person. What makes them any different from a consultant in terms of registration?

The purpose of the registry and the legislation is to show the Ontario public who is lobbying who about what. There's nothing wrong with being a lobbyist; it's a legitimate activity. Just be transparent about it.

Ms. Lisa M. Thompson: I really appreciate your frankness. Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson.

Madam Fife.

Ms. Catherine Fife: Thank you very much. Of course, we share some of your concerns. I was going to ask the same question as my colleague about the push-back on the 20% loophole, because we need to better understand why the government isn't supporting closing

that loophole. For me, it's not about a rationale; I think that they should give you, as the commissioner, a good reason why the loophole was not closed.

Ms. Lynn Morrison: Again, I think it was a misunderstanding. I never thought that the legislation intended to capture constituents. It wasn't my intention.

Ms. Catherine Fife: So this could be fixed.

Ms. Lynn Morrison: Absolutely.

Ms. Catherine Fife: But the five hours—I just want to gain a better understanding of that, because I've spent five hours with Habitat for Humanity or the independent living centre or the local shelter—and they are not-for-profits and, of course, they do receive government funding, but I go there to learn. Quite honestly, I think that politicians should spend a little bit more time learning. I'm a little concerned about the five hours. How did you arrive at five hours?

Ms. Lynn Morrison: We did a lot of consideration. I just believe that if you are spending that much time lobbying a public office-holder, then perhaps you should be on the registry to let the public know that you are lobbying.

Ms. Catherine Fife: So I think that there is probably an education component around the registry.

Ms. Lynn Morrison: Yes.

Ms. Catherine Fife: One final question: You know that the Premier is a lobbyist now in my riding, after only 14 months, having held the highest position here in the province. Do you—

Ms. Lisa M. Thompson: The former Premier.

Ms. Catherine Fife: Yes, sorry. I'll correct that—the former Premier.

The current registry says “one year.” Do you think that's appropriate: one year and then out lobbying on behalf of a company, the Legislature which you ran? Do you think that one year is reasonable?

Ms. Lynn Morrison: I've worked with this for a long time—with the one-year prohibition—and yes, I do think it's a reasonable amount of time. I do caution you: If you increase that, you are going to limit the type of people who will want to run for office.

Ms. Catherine Fife: Really?

Ms. Lynn Morrison: Yes.

Ms. Catherine Fife: Okay. We all don't grow up and be lobbyists, in my opinion, nor do we want to be.

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Catherine Fife: I've seen an impact of lobbyists in this Legislature over the last two years. Is there somewhere between the one year and the five years perhaps? The federal government has set a five-year freezing period or cooling-off period, if you will.

Ms. Lynn Morrison: That's up to the government, up to the members. I will administer whatever is decided. I just caution you to—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Madam Fife.

To the government side: Mr. Baker.

Mr. Yvan Baker: Thank you, Ms. Morrison, for coming in. Before I ask my question, I would just like to thank you, first of all, for all the work you have done in support of this legislation.

Ms. Lynn Morrison: Thank you.

Mr. Yvan Baker: I know your review of the Lobbyists Registration Act was critical. I know that we did adopt the majority of the recommendations you made. Thank you for your work in general in increasing transparency and accountability in our government. I think you do very important work, and we're grateful for that.

Ms. Lynn Morrison: Thank you.

Mr. Yvan Baker: I know that as part of this legislation, there are new investigative powers. There are fine provisions that are put in place, and there are others. As you think about this legislation, which of these or other aspects of the legislation are most important to you?

Ms. Lynn Morrison: If this bill passes, I'll have enforcement powers and investigation. I think that is crucial to a more transparent registration process. That will be very important.

Mr. Yvan Baker: Okay. I'm speaking now as a local member who's newly elected, since June. One of the things that I think about as we're talking about the threshold for lobbyists is, I have a lot of folks who come to me who I would call local businesspeople and who I meet with quite frequently. As I think about many of those, some of them I may not spend as many as five hours with, some I think I might. I think many of them come to me, frankly, as good citizens and are there because they believe we can make government even better. What happens to them? What happens to those constituents? Are we catching a lot of folks who we maybe don't intend to catch as part of the—

Ms. Lynn Morrison: Well, the key to remember is that they have to be paid first. If you have a business in your community that comes and lobbies you, once they reach the threshold of five hours, what's wrong with registering?

Mr. Yvan Baker: Okay. Could you talk a little bit about the fine provisions in the bill?

Ms. Lynn Morrison: The fines?

Mr. Yvan Baker: The fines, yes.

Ms. Lynn Morrison: Right now, if a lobbyist puts a public office-holder in a conflict of interest, they're subject to prosecution and a fine of up to \$25,000. The proposal is, for any second or additional offences, it's up to \$100,000.

Mr. Yvan Baker: Okay. Great. I know this bill, if passed, would enable you to provide guidance/direction on lobbyist conduct, allow you to create a code of conduct for lobbyists. Can you talk a little bit about what might be in that code of conduct?

Ms. Lynn Morrison: I'm not sure yet. I'm not convinced that a code of conduct is the best way to go. I'm certainly prepared to consult with the stakeholders. But how do you legislate, control or monitor professionalism in a code of conduct?

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Morrison and your colleague, for your deputation on behalf of the Office of the Integrity Commissioner of the province of Ontario.

MR. WALTER MELNYK

The Acting Chair (Mr. Shafiq Qaadri): I'll invite our next presenter to please come forward: Mr. Walter Melnyk, who comes to us in his capacity as an Ontarian. Welcome, Mr. Melnyk.

Mr. Walter Melnyk: Thank you very much.

The Acting Chair (Mr. Shafiq Qaadri): Please be seated, and your time officially begins.

Mr. Walter Melnyk: I'm very grateful, by the way, for an opportunity to be here. In fact, I brought a letter from the retired MPP who served the longest in the GTA, the honourable Tony Ruprecht, who tried to assist me with my problem, which had to do with an awful lot of civil rights, human rights and constitutional rights violations by the city of Toronto. In all instances I tried to deal with the city.

You write to the management there or the directors of the departments and so forth. I would write to councillors: my own councillor and then other councillors who would be chairing committees. I wrote to the police because some of these instances either are directly criminal activities—*theft of vehicles and so on*—or they border on criminality.

In my problems with the city, each time I went either to the ombudsman's office or to the mayor's office—by "went," I mean submitting written communications and phone calls to them. Each time, they were interested in hearing all the information. They asked me to make my submissions written submissions. I was happy to do that, but each time there were no results. Nothing came out of that. In fact, even if you write to the city ombudsman, and I know she has a very difficult job, you do not get an acknowledgement of your submission, which surprised me. So I would phone up and try dealing with—I dealt with three or four people there. At least they provided, ultimately, because I was so persistent, a verbal acknowledgement of having received my submissions.

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But the problem is that nothing ever gets done. I would refer you to the annual reports. This became a real puzzle to me because I tried to understand things or figure them out. The annual reports of the Ombudsman cite the number of investigations they do, and if you look at those numbers, I think you'll be really surprised. If, for example, there are 1,000 or 2,000 complaints in a year, the number that get attention in terms of investigations is really minuscule; we're talking maybe 3% or 4%. These figures will come out in the annual report.

Also, another very interesting fact that comes out in the annual report is that the city ombudsman seems to be powerless or toothless. There must be some kind of constraint in the law or something that does not enable her to do things with regard to problems that citizens

bring to her attention. So in the actual reports, you will see that the same departments that are constantly offending the citizens by their inaction, poor decisions, deliberate, possibly—those departments appear, year after year, as top offending departments in the annual reports at the city of Toronto.

My really big problems were caused by the MLS department, the extremely aggressive activities. They come and confiscate your material. My Mercedes was gone. I tried to phone my councillor, then Sandra Cooke. They could not find out where my Mercedes was taken because the MLS people said that it didn't have the current validation plate. Well, yes, it didn't have the current validation—I don't use it year-round; I don't know if you know those diesel vehicles at all.

But I then found out—going to trial with the MLS people, with the inspector, I thought, “Well, here's my opportunity to find out what they did with all my material, including my construction material.” I own two properties in Toronto. Both I gave to the city of Toronto in terms of their rehabilitation program to make them affordable for low-income people, and for several years now the city has done nothing but undermine, undercut and totally sabotage those two programs.

Now, I'm not just speaking off the cuff; I have the documentation here. But we're talking about 100 pages of proof and so forth, so I was happy when I was told that I could make these written submissions as a follow-up.

The MLS officer did not appear at the trial. The judge made an interesting statement about the city's abuse of the court system. So you could not ask him, “What did you take with my cars?” Actually, they took the Mercedes and then they took my Lincoln as well. You cannot ask them. They do not appear. You can get no justice. You cannot defend yourself, because there is no trial. Where did he take all the windows that I was installing in the property? You don't know. The Thermo-pane windows to replace, as part of the RRAP—I don't know if you're familiar with the Residential Rehabilitation Assistance Program. You offer your property. For 15 years you accept only low-income people and you keep your rents down—you don't raise your rents—and, of course, you can't sell under those conditions. And then they could relieve you from that loan, assuming you've done all the conditions.

The MLS problem is only one—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Melnyk.

Mr. Walter Melnyk: —out of 10 problems. Sorry.

The Chair (Mr. Shafiq Qaadri): I need to pass the floor to the NDP. Madam Fife.

Ms. Catherine Fife: Thank you, Mr. Melnyk, for coming. It's not a lot of time, obviously, for you. You threw a lot in there, but I just want to say that we do appreciate some of the statements that you made around your frustration in dealing with the ombudsman.

With regard to Bill 8, though, is there anything specific that you wanted to share with us?

Mr. Walter Melnyk: In very broad terms, we do not have accountability. If you write to the mayor and do not

get a reply, if you write to the ombudsman and do not get a reply and there's no investigation, if you write to the department head, the manager, where they put my properties up for sale, the bailiff, on fraudulent taxes—totally fraudulent. I reported it to the police. Then, I guess because of the police activity, they removed the \$26,000 that they wrongly put on my tax bill so they could tax sale my property. Again, I have this in factual, written documentation. My lawyer is working on it.

By the way, you were introduced as an NDP MPP. I must say, in addition to all the other comments that have been made about Councillor Jack Layton, later MP, I worked with him at the board of health, where I was repeatedly appointed; food policy council with Marilyn Churley. I really enjoyed it. He was a wonderful human being, a very warm individual.

Ms. Catherine Fife: Thank you very much for coming here and thanks for your feedback with regard to the bill.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Fife.

To the government side: Ms. Hoggarth.

Ms. Ann Hoggarth: Hi, Mr. Melnyk. Thank you very much for your presentation. I can see that you're very fervent about what you believe.

Our government has introduced this legislation to strengthen oversight, transparency and accountability across government and the broader public sector, because we believe it's the right thing to do. In your view, does increasing transparency and accountability make government work better for Ontarians such as you?

Mr. Walter Melnyk: I absolutely think so. I mean, if we had transparency, I would know what they did with all my construction material. They did report at the trial—they gave me a disclosure document as to what they did with the materials. That document cannot be relied upon, because it says that the car was disposed of the same day on Hyde Avenue. There's a car wrecker on Hyde. At that point, I had gone to all the police auctions and the scrapyards looking for the vehicle, you know? At least then, I had the disclosure from the MLS department. So I went there. I spoke to the people at the scrapyard. There's only one on Hyde Avenue. The closest one, they did not go to. For some reason, they chose an obscure place to take my vehicle, so they say.

I asked to speak to the president. His name is George. I do have his business card, and if you need this information, I'll provide you with all the facts that you require. George said, “Walter, we did not receive any Mercedes. We do not get any cars from the city. We have no dealings with the city of Toronto.” I said, “But in their report, they say they brought it here.” He said, “Sorry. Go back to the city.”

There has been lie upon lie. If you're interested, there are some very grievous, very astounding things that have gone on, that have to be revealed. They have to be brought out to the public. When you fight with a \$10-billion corporation the way I've been doing for seven years, the stresses—they prop me up with pills now. You

get cardio pills that you have to take for heart problems. You get major depression. You don't sleep nights. You're on medication all the time.

Mr. Mike Colle: Have a glass of water and take it easy, Mr. Melnyk.

Mr. Walter Melnyk: Thank you. I get very excited on this topic, because they destroy your health. You cannot fight the city of Toronto.

Mr. Mike Colle: You can't fight city hall.

Ms. Ann Hoggarth: You can't fight city hall.

Mr. Walter Melnyk: You need to bring some fresh air, sunlight, sunshine onto their files, onto what they do to people.

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Walter Melnyk: For how many years, we did not have an ombudsman. They told us we had an ombudsman in 2006. I've been calling there for years. They didn't actually have one until 2009, contrary to the laws that you people put in place under the new Toronto act. Where was the ombudsman? What, a million people in Toronto, and no recourse, with a \$10-billion corporation that manipulates and does whatever they want to people, to citizens? They violate all the rights that you've—including, by the way—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Melnyk.

To the PC side: Ms. Thompson.

Ms. Lisa M. Thompson: I appreciate you coming in and sharing your concerns, but I have no further questions.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson.

Thank you, Mr. Melnyk, for your presence and your comments.

Mr. Walter Melnyk: I thank you very much.

The Acting Chair (Mr. Shafiq Qaadri): Our next presenter is Ms. Carolyn Scholey. Is she present? Ms. Scholey, are you here?

If not, we'll move to our next presenter, Mr. Scott Somerville, who is also here in his capacity as an Ontarian.

MR. SCOTT SOMERVILLE

The Acting Chair (Mr. Shafiq Qaadri): My Clerk will not let me start the time until you're officially seated. Please.

Thank you, Mr. Somerville. Your time officially begins now.

Mr. Scott Somerville: Thank you, Mr. Chairman. Mr. Chairman, members of committee, my name is Scott Somerville. I'm a retired municipal public servant with some 53 years of service and work experience in Ontario local government, primarily as a city manager or chief administrative officer in five of these 444 municipalities we have in the province. That followed a number of postings as a municipal auditor, a department of municipal affairs finance officer—and I think the use of the

words "department of municipal affairs" dates me a little bit, back into the 1960s—

Interjection: Good years.

Mr. Scott Somerville: —good years, real good years—a finance officer with a large Ontario municipality, and the president of a large municipal hydroelectric utility. I state that mainly to just try and let you know that I have spent some time in the field.

I come to you today, though, as a private citizen, an individual with a continued keen interest in Ontario municipal governance and administration.

I would like to read to you—some of you may have seen it. This is a quote of our provincial Ombudsman that was done October 19, a month ago, at a Hamilton news outlet. It was a video that's on Facebook, but I do want to quote it because I think it's important to what I would like to say.

1600

Mr. Marin said this:

"Bill 8 is a bill which would provide our office with oversight over all municipalities over virtually all matters across Ontario. That's 444 municipalities at both the administration level and the council level. So we are talking about a huge responsibility, and we take it very seriously.

"Bill 8 also extends jurisdiction over universities and school boards. So it's like a reinventing of the Ombudsman's office when this bill goes through."

To suggest that this is a huge responsibility is a huge understatement. The public expectation is that results will be incredible. The question comes: Can the Ombudsman deliver?

To recognize the words that were used, this responsibility provides the provincial Ombudsman with oversight over all 444 municipalities, over virtually all matters—I take that to mean everything from dog tags to sewer design—at both the administration and the council level; so not just at the corporate level, but also at the political level.

This bill, in my mind, begs the question: What is the role of the elected councils and their appointed administration if the Ombudsman, who is an unelected public official, will now become responsible for all oversight? That certainly, using his word, is a "reinvention" of the office.

This bill, in my most considered opinion, will totally restructure how Ontario municipalities do their business in an adversarial role whose like has never been seen before, unless, Mr. Chair—and I say this with all respect—the underlying purpose of the bill is to obtain oversight compliance through the investigation of complaints by an unelected public official, rather than by provincial regulation passed by the Legislature of Ontario, which is the way it is now, i.e., a complaints-based process vis-à-vis a provincial regulation-based process.

Mr. Marin is quoted in the press in more than one area as saying, "Municipal government"—

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Scott Somerville: "Municipal government is notoriously unaccountable. It spends \$3.5 billion in provincial funds.... Nothing happens in between."

I submit, Mr. Chairman, that in between the four years that he is referring to, annually, municipalities by regulation have to have audited financial statements, comprehensive information returns, debt limits—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Somerville, for your introductory remarks.

We pass it to the government side: Mr. Colle.

Mr. Mike Colle: Thank you, Mr. Somerville. I appreciate your candour and your experienced insight. This is going to be a huge job.

Mr. Scott Somerville: Massive.

Mr. Mike Colle: Maybe what I'm thinking is that since the job is so huge, maybe the Ombudsman won't have the time to get into all the day-to-day work of the municipalities, but perhaps just focus in on the critical aspects of major complaints that may come in—because you're so right: It's not only the municipalities, it's also the school boards—

Mr. Scott Somerville: School boards and universities.

Mr. Mike Colle: —the universities, colleges. I was speaking to one of the other deputants and I said, "At least if you've got a patient advocate, the patient advocate can take care of patient things because the Ombudsman's going to be pretty darned busy."

There are always issues of accountability at the municipal level. I've been there myself. People who don't know anything about municipalities usually say, "Well, they're not accountable," but as you know, you get the phone call every day. People are at city hall every day. So there is accountability. On the other hand, on some big issues there seem to be some real problems, and maybe that's what the Ombudsman should be focusing in on, like what happened in Brampton with these things. There were some major contracts or some major policy errors. There might be a role for the Ombudsman there, rather than taking on everything, which is going to keep him pretty busy.

Mr. Scott Somerville: I would agree. I think what bothered me, quite honestly, was when the Ombudsman basically made the statement that municipalities are "notoriously unaccountable." Those of you around this table and others in the Legislature who have been at the municipal or school board level know that's not entirely true. They are accountable. As I say, I listed seven different aspects where the province requires that municipalities, by regulation, do all the things. That's accountability. That's oversight. I believe the councils are responsible for that. I'm not here to argue against an Ombudsman. I'm here, though, to say this a bigger thing. As a practitioner of 50-some years, this is a much bigger thing than just, "Now we have an Ombudsman, and now we're okay." We're not. We can't be, and we're not going to be.

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Scott Somerville: I think education is as important in all of this: education of the public; education of the

Legislature of what you're about to do; education, I believe also, of the Ombudsman, because no way should he make a statement like he made there when there is so much provincial regulation over the governing of municipalities.

Mr. Mike Colle: Maybe everybody should sit on city council before they make these pronouncements.

Mr. Scott Somerville: Well, that would be good.

The Acting Chair (Mr. Shafiq Qaadri): To Ms. Thompson.

Ms. Lisa M. Thompson: Thanks very much. It's interesting: I agree that municipalities are accountable. Smaller, rural municipalities are seeing their constituents every day. I actually grew up with a municipal office in my home till I was a teenager. My mom was clerk/treasurer/administrator for 35 years when she retired. I get what you're saying.

I appreciated your comments, your quote from Mr. Marin in terms of providing oversight over all municipalities on all issues. It made me think of the Green Energy Act. I have to go there. We currently have a government that's stripping local autonomy through vehicles such as the Green Energy Act. Where does that place the Ombudsman then in terms of setting a business plan and moving forward? We've seen a decade of leadership from this government that strips away autonomy. What do you think will potentially happen to the Office of the Ombudsman if they continue on this path of stripping away autonomy?

Mr. Scott Somerville: Well, to be as candid as I can in answering that, it possibly depends on how the Ombudsman reports. Who is the Ombudsman accountable to? I'm not sure that is 100% clear, to be honest.

Yes, the province has done a lot over the years to change the responsibilities of municipalities, to tighten them up. Some have really worked and some have not. Some leave the municipalities out in the hinterland, sort of saying, "Where the hell are we?" Excuse me. "Where are we vis-à-vis what the province really wants us to do?" That communication sometimes isn't there.

The problem I have is, I think it has to be clear how the Ombudsman is not only going to implement this huge responsibility but who the Ombudsman is going to report to. Is it going to be to the Legislature, or is it going to be out there more on his own?

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Lisa M. Thompson: Interesting. We don't have enough time to go on, but I'll catch up with you later. Okay, Scott?

Mr. Scott Somerville: Thank you.

The Acting Chair (Mr. Shafiq Qaadri): To Ms. Forster of the NDP.

Ms. Cindy Forster: Thank you for being here today. As a municipal politician for about 18 years, I think one of the biggest issues that's been highlighted for Ombudsman oversight in the province is the issue of in camera meetings, non-public meetings. In my own riding, there was a report issued by the Ombudsman just in the last

week that four of the six in camera meetings that were held shouldn't have been held in camera—at least parts of them. I know from experience that you get into one of those meetings, and you've got a couple of issues on the agenda, and then all of a sudden, you're dealing with four or five other issues that you rightly shouldn't be dealing with under the Municipal Act.

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What would you propose to do to deal with this very important issue where municipalities won't open their meetings, even though it has been highly publicized across the province in a number of municipalities?

Mr. Scott Somerville: I do not take issue with trying to enforce better standards as far as in camera meetings go. I don't, because for 50 years I've been in them and I know what goes on in them and I know how they, as you say, digress.

My problem is that the lumping together—and I'm going to be candid, Mr. Chair—of politicians under one umbrella, and Mr. Marin said this with respect to a Toronto Star article on Brampton. Basically, he wants to make sure that the politicians are honest. He said that. When he's talking about politicians, he's not just talking Brampton politicians or the former municipal affairs minister that's going to be there. He's talking about all politicians.

He's talking Pelee Island, where I spent some time; he has talked Vaughan, where I've spent some time; he's talking the larger cities; he's talking the Legislature; he's talking about you folks as well. You're the same politicians in the same bucket, and some of his responsibilities will work into your areas as well.

I lost track a little bit where I was going with this, to be honest. It's a matter of trying to get some balance—maybe that's the word I'm looking for—some balance into this bill that will allow for—

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Mr. Scott Somerville: —the municipal council to still be a municipal council, because I see every municipal council looking over their shoulder and saying, "This guy is going to just take me to task for everything I do, even though I believe it's the best thing for the people who elected me"—or what you think is best for the people who elected you. But nonetheless, Mr. Ombudsman is going to be there. He's going to look over my shoulder. That's what I mean about restructuring the way municipalities do their business. It will change.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Forster, and thanks to you, Mr. Somerville, for your many years of service, your presence today and your deputation.

Mr. Scott Somerville: Thank you for your indulgence, Mr. Chair.

The Acting Chair (Mr. Shafiq Qaadri): Is Carolyn Scholey here? She was originally supposed to present at 4:15. Carolyn Scholey?

If not, we'll move to our teleconference for the 905, Christopher York.

MR. CHRISTOPHER YORK

The Acting Chair (Mr. Shafiq Qaadri): Mr. York, are you there?

Mr. Christopher York: Yes, I am.

The Acting Chair (Mr. Shafiq Qaadri): Welcome. Maybe we could augment that volume. You'll have five minutes, as you likely know, to make your opening remarks, and we'll rotate questions from all parties. Please begin now.

Mr. Christopher York: Okay. First of all, I'd like to thank everybody for the opportunity to be able to speak to the committee today. The reason why I believe that Bill 8 is essential: We need to have Ombudsman oversight of the MUSH sector in many, many places and for many reasons.

As Ms. Forster, the MPP for the Welland riding, is well aware, I was a candidate in the Thorold municipal election in this past election. Her office is already being inundated with complaints from a number of candidates for that election because there were a number of violations that took place under the Municipal Elections Act. Unfortunately, we have no recourse because we have nobody we can complain to. That's just for starters. We're still going through this.

Right now, the Ombudsman is only allowed to investigate for in camera meetings, which I've also made a complaint about and it's currently being investigated, but that's as far as he can go. The Ombudsman needs greater powers to be able to investigate the municipalities and make recommendations, because currently there is nobody you can complain to with regard to the municipalities when they do make mistakes and when they do violate the laws. Right now, we don't have any recourse for that, except for the next election, which is four years away, so we have to put up with politicians breaking the law and violating the rules with no recourse whatsoever and no punishment whatsoever to take place. They get no punishment whatsoever when they do violate these rules.

As far as a couple of other issues go with this act, I also found that there is a problem with the bill with regard to allowing the provincial advocate to have oversight of the children's aid societies, and I find this a big problem because right now, as it stands, the provincial advocate can only take calls from the children. It has to be the kids to contact the provincial advocate's office. The parents cannot call them when they have problems with the children's aid societies.

The children's aid society is a major, major problem today in the province of Ontario. This is something that I believe should have been taken over by the province itself in being a government-run agency, as opposed to being contracted out to private corporations. The main reason is: They are extremely corrupt. I have video-recorded evidence as well as documented evidence of perjury in court cases where this is taking place every day.

I don't need to remind the government about the recent memo that was leaked by the Peel region CAS to

keep cases open and to open as many new investigations as possible in order to make sure that they retain funding for the future fiscal year and to ensure more funding. So they are actually stacking the books so they can get more money from the government.

This is a major problem. They need to take away the funding formula that they have by having them funded based on the amount of open cases they have. As long as that's there, they have an incentive to apprehend children and open cases frivolously for no reason whatsoever. It is a major problem.

Myself, I dealt with them based on lies. They came in, and they apprehended my son when he was three weeks old based on lies that they knew were lies at the time, and they took him anyway. They ended up apprehending him, saying I was a cocaine addict and an alcoholic, neither of which was true. I don't use drugs and I don't drink. I even offered to stick out my arm for testing, and they said that wasn't good enough.

I ended up going to the doctor, and I got tested myself by my own doctor. He found everything was negative. We took it to court, and four days later I got my son home because I was able to prove that this was lies. However, for the next 18 months, my life was put through a living hell by these people, in and out of court, using taxpayers' dollars to try and fight us in court to try to get crown wardship of my son.

When we went to court, I went into the judge with the papers from my doctor with the test results stating that I was not in fact an addict, that I was not an alcoholic, that all drugs and alcohol tests came back negative. The children's aid immediately asked for the test results to be excluded because they were not conducted by their doctor.

I'm sure I also don't need to tell the government about the situation currently going on with Motherisk at Sick Kids in Toronto, the scandals going on with that. There are a lot of problems in the system that need to be rectified, and the only one who has the ability to do that is Mr. Marin, the provincial Ombudsman.

I continued in court. I continued for a year and a half of fighting the CAS. I ended up finally, ultimately, beating them. When we went to court the first time, it was funny how in their court papers, they stated drug addiction and alcoholism as being the reasons why they had to apprehend—it was even in the police reports. When we proved that to be false, with my lawyer, they immediately changed their tune in court and said to the judge that it was never about drug abuse or alcoholism anyway, that it was about my mental health status, of which there was none. They changed their story simply because they knew they were losing and they were being beaten.

The other problem that I found was that we have judges sitting on the benches of these Family Court cases and CAS who are former CAS lawyers. A perfect example is in the Welland courthouse. The one judge who's in there currently sat on the board of directors for the Kitchener-Waterloo CAS, and she's now the judge

presiding over the Family Court in the city of Welland. There's a serious issue with that. That's a major conflict of interest. There's no way she should be allowed to be doing that—

The Acting Chair (Mr. Shafiq Qaadri): Mr. York, thank you very much. Your five minutes for introductory remarks has expired. I now offer the floor to Lisa Thompson, MPP for the Progressive Conservative side. She'll now have three minutes in which to question you.

Please go ahead, Ms. Thompson.

Ms. Lisa M. Thompson: Thank you very much, Mr. York, for sharing your personal example and why you exercise your support for Bill 8. At this time, I don't have any questions. Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Mr. York, you're now being passed to the NDP. Ms. Fife.

Ms. Catherine Fife: Thank you very much, Mr. York. Not a question: I just want to let you know, though, that the NDP has supported full oversight over the entire MUSH sector—

Mr. Christopher York: Yes, I'm aware of that—

Ms. Catherine Fife: —not just hospital—

Mr. Christopher York: I've been pushing for that oversight for quite some time. I'm actually quite familiar with most of the NDP members, as you're aware.

Ms. Catherine Fife: Thank you. Also, of course, our member Monique Taylor has been fighting for CAS oversight. So we're going to continue to support—

Mr. Christopher York: Absolutely. She has been doing a fantastic job of that.

Ms. Catherine Fife: We're going to support the Provincial Advocate in his call for improved powers to protect children. Thank you very much for calling in today.

The Acting Chair (Mr. Shafiq Qaadri): To Madam Hoggarth of the government.

Ms. Ann Hoggarth: Good afternoon, Mr. York. Thank you for your very ardent presentation. Just to tell you, having been on the other side of the CAS as an educator: There is a law that says if we believe there's any chance that there has been any kind of abuse, we need to report it, whether we know for certain or not. Unfortunately—

Mr. Christopher York: You know what? I'm well aware of section 72. I'm very familiar with that, and I fully support that. Anybody has that duty, not just educators. Everybody in the province and society does.

Ms. Ann Hoggarth: Okay. I have a question for you.

Mr. Christopher York: Yes.

Ms. Ann Hoggarth: We introduced this legislation to strengthen oversight and transparency and accountability across all government and the broader public sector because it's the right thing to do. In your view, how does increasing transparency and accountability make government work better for all Ontarians?

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Mr. Christopher York: Currently, right now, as it stands, there is no accountability, especially with regard to the children's aid societies most specifically. I'll use

an example of the Child and Family Services Review Board. I've actually gone before them not once, not twice, but five times, and they were found in violation all five times.

The review board makes it very, very well known that while they do have the power to investigate, they don't have any power to take any action against them. So you can have all the powers you want for investigative procedures, but unless they have the power to take punitive action against them, it's really pointless. It's like giving the police a gun and a badge and saying, "Okay, you can investigate crime, but you can't arrest anybody."

Ms. Ann Hoggarth: Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Do you cede your time, Ms. Hoggarth?

Ms. Ann Hoggarth: Yes. Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Hoggarth.

Thanks to you, Mr. York, for coming to us via teleconference. Your time is now concluded.

ONTARIO ASSOCIATION OF CHILDREN'S AID SOCIETIES

The Acting Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward: Ms. Miller of the Ontario Association of Children's Aid Societies. Your written submission has just been distributed.

If you would like to please be seated—

Interjection.

The Acting Chair (Mr. Shafiq Qaadri): Yes, please. Your choice. And your time begins now.

Ms. Wendy Miller: Thank you very much. Thanks for having me this afternoon. My name is Wendy Miller. I'm here on behalf of the Ontario Association of Children's Aid Societies.

The OACAS is the membership organization of 44 out of 46 of Ontario's designated child protection agencies. As people know here, children's aid societies have the unique statutory mandate to deliver child protection services in the province of Ontario.

My submission will focus on schedule 10 of Bill 8, the provisions that give the Provincial Advocate for Children and Youth investigative powers with respect to children's aid societies and residential licensees where CASs are the placing agency.

In general, the OACAS and children's aid societies support the bill. We support the intent of Bill 8, in particular, to strengthen accountability of public services and enhance public confidence.

As a public sector service provider, children's aid values accountability and transparency in promoting public confidence. In fact, public confidence in children's aid is a strategic priority for the field, as we are well aware of the need for public confidence in our sector in order to fulfill the legislated mandate to keep children safe.

We support alignment of the bill, as drafted, with the paramount purpose of our act, the Child and Family Ser-

vices Act, the purpose being the best interests, protection and well-being of children.

We also believe that the Office of the Provincial Advocate for Children and Youth is a good choice for vesting investigative powers because of its experience with and expertise in working with children and promoting their rights and well-being. We would observe that existing complaints mechanisms are largely accessed by adults and focus on the needs of adults, which is why we believe this is a good place for those powers.

OACAS and children's aid would also support the intent of Bill 8 to promote resolution of prior complaints processes before accessing the new investigative powers proposed by this bill. We would support there being clarity of purpose and process, and that clarity of purpose being understood by all people who wish to access complaints mechanisms, both this one and existing complaints mechanisms. Essentially, people who wish to have their concerns heard must know where to turn, and understand the unique purpose of every one of those complaints mechanisms.

We would make the following observations, request some clarification, and make some recommendations with respect to Bill 8:

The bill, as drafted, does not reflect the full scope of the provincial advocate's advocacy services. As such, it excludes children and youth who may be placed in a residential setting by a mental health, a youth justice or a developmental service agency. We would want to see, and CASs would want to see, that all children within the mandate of PACY, the provincial advocate, be able to access those investigative services. As drafted, as I think you can appreciate, a situation could take place in which children who were placed by different agencies for different purposes, and yet all living in the same residential facility, would not have equal access to those investigative powers of the advocate.

The bill, as drafted, does not address the unique needs of aboriginal children and youth in children's aid care, despite their overrepresentation in our system as well as a history of oppression with respect to child welfare in aboriginal communities. We would want to see this perspective in some way informing the discussion of moving forward with this new investigative process.

We would like clarification with respect to the sequence of steps involved in the investigative and reporting process. We would also like to seek further clarification with respect to the alignment with, or differences from, the Ombudsman's investigative powers.

Our final recommendation would be to see a thorough policy review of all existing oversight and complaints mechanisms or functions with respect to children's aid societies, a review that is anchored in the best interests and needs of children. Such a review, we believe, would lead to a strengthened and streamlined approach—

The Acting Chair (Mr. Shafiq Qaadri): One minute.

Ms. Wendy Miller: —to resolving complaints and hearing concerns. It is important for members of this panel to understand that timely resolution of such con-

cerns is critical to children's well-being. Currently, there are multiple complaints processes that in some cases are duplicative and can lead to the delay of critical decisions with respect to a child's future. Finally, we would want such a comprehensive review to be anchored in a robust dialogue regarding all children's services in Ontario.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Miller.

We'll now proceed to the government side for opening questions: Madam McMahon.

Ms. Eleanor McMahon: Thank you for your excellent presentation. On a personal note, my brother and his wife are foster parents, so I listened to your comments with particular interest and concern because of what I've seen in their home. They are generous, giving foster parents, as most of the foster parents I know are, in fact; of course, not all. But it's very interesting to me.

In your comments, you talked about all children not having access. Can you explain that and maybe give us an example of what you mean by that? That was news to me.

Ms. Wendy Miller: The scope of the investigative powers, as the bill is currently drafted, doesn't mirror the full scope of advocacy services of the provincial advocate. The provincial advocate's mandate includes children who are in all service sectors, but the investigative powers would be limited to children in the care of a children's aid society or complaints related to children's aid societies or children in a residential facility where the CAS is a placing agency.

Residential facilities, group homes and institutional care settings often have children from different service sectors living in the same home. So in theory, a situation could occur in which a child who has been placed by a CAS is living alongside, in the same home, a child who has been placed by a developmental service agency, for example. Whatever the circumstances giving rise to the one complaint, it would be reasonable to think that all children in that same home could receive the same benefit of an investigation as the one child who has been placed by a CAS. We think that's an inequity and it should be addressed.

Ms. Eleanor McMahon: So you're concerned about children who would fall outside the scope of a CAS. Interesting.

Ms. Wendy Miller: Exactly—fall outside the scope of the investigative powers as drafted, yes.

Ms. Eleanor McMahon: Right. No, no, sorry, right. You truncated your comments, forgive me, but I understand that. It's very helpful. What would be the benefits, then—I think you touched on this, but if you could sort of elucidate a little bit more—of giving the Provincial Advocate for Children and Youth investigative powers that don't currently exist?

Ms. Wendy Miller: All the existing mechanisms are adult-focused. It would be the only place where people who have concerns related to children's aid societies, at the heart of which are the children's needs and best interests—it would be the only place that could actually

respond to those concerns and investigate those concerns from a child and youth focus and perspective.

Ms. Eleanor McMahon: Interesting. Extremely helpful.

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Eleanor McMahon: Thank you very much.

Ms. Wendy Miller: Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. McMahon.

To the PC side: Ms. Thompson.

Ms. Lisa M. Thompson: Thank you very much for being here today. I appreciate that you were straight up. You said that you appreciate and support the overall intent of Bill 8, but I heard a "but." I thank you for the report that you submitted, because it adds more detail to the "but." Just to go over this, just to revisit it, you have concerns, and clarity is needed, with regard to the proposed approach. You also are looking for clarity around the scope of the proposed investigative functions. Let me see. Is there one other one? No, that was primarily it.

My question for you today is: Given that there's so much clarity needed around some key elements of Bill 8, prior to coming here today, were you consulted with regard to where Bill 8 should go? As one of the three major areas in the MUSH sector, were you consulted prior to hearing about Bill 8?

Ms. Wendy Miller: We were, and we have been actively pursuing conversations related to a wide range of mechanisms for oversight and complaints and trying to understand the difference between and the specific purposes of each of the existing processes: the Child and Family Services Review Board and the internal complaints review panel, which is a mandated process within CASs. Our purpose is understanding: Do all of these existing mechanisms, and the new mechanism that's being proposed—do they make sense? Is their original purpose being fulfilled currently? Is there an opportunity to make sure that they are each fulfilling their individual purpose, which we understand to be quite distinct?

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If there's duplication, is that necessary duplication or could that duplication be resolved through a streamlining exercise?

The point being that children's aid societies, and the front-line workers who work with children and families, need to spend as much time as possible working directly with those children and families. To the extent that they are required to participate in important processes, complaints-driven or otherwise, it's time away from families and from children, so we want to know that it's time spent in the right way.

Ms. Lisa M. Thompson: Very good. Again, I really appreciate you saying, "We like this, but we need more clarity on the various elements of this bill." What's your gut? Do you think that you're going to get that clarity? Is Bill 8—

Ms. Wendy Miller: Oh, I think so. My gut tells me yes, and my gut tells me it is the right—

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Wendy Miller: —my gut and the people I represent—that this is a much better fit than some of the other proposals that have come forth, precisely because the provincial advocate has that focus.

Some of the concerns that we have raised in the written submission really are about clarity with respect to purpose and procedures. We would want to make sure that parents or aunts or uncles or children themselves—anybody who is raising a concern through these new powers—would know which door to go through, which would be the process that makes the most sense for that purpose.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson.

To Madam Fife.

Ms. Catherine Fife: Thank you very much, Ms. Miller. We're supportive of the provincial advocate's recommendations, which he first submitted under Bill 179, which are not reflected in this piece of legislation—for instance, removing barriers to investigations, such as only being able to investigate licensed residential placements, and I think that you raised that. Also, the fact that the First Nation, Métis and Inuit children are not truly reflected under the provincial advocate's—and under this piece of legislation.

One of the biggest concerns is—and I would really appreciate it if you could comment on it—the advocate points out that only being able to investigate licensed would mean that individual complaints about children's aid societies made by children and youth would be excluded from the investigation by the advocate's voice. We want children's voices truly heard in this province. Can you please comment on that?

Ms. Wendy Miller: I'm not aware of the provision you're referring to. I'm not aware that children and youth would be excluded from raising concerns. I might be misunderstanding something.

Ms. Catherine Fife: The advocate can only investigate licensed residential placements within the children's aid system, and is prohibited from investigating matters eligible for review or that have been decided by the Child and Family Services Review Board. Does that clarify it?

Ms. Wendy Miller: Yes, it does. This is related to prior processes having to be resolved before anybody can access the new provisions.

Ms. Catherine Fife: So it's a delay.

Ms. Wendy Miller: It is a delay. I think what we would say to that, and I think the side we come down to on that, is the idea of the streamlining and ensuring that there is a clarity of purpose of each of the processes.

To the extent that duplication, as I say, is necessary to services, two complaints processes could be taking place at the same time. If that makes sense, then we would support it.

Ms. Catherine Fife: Yes, if it protects children.

Ms. Wendy Miller: We're concerned with unnecessary duplication, and we're concerned with the existence

of processes that aren't able to fulfill their full mandate before the next one kicks in.

Ms. Catherine Fife: For sure, yes. The advocate is also seeking whistle-blower protection for all staff of agencies and related entities covered by the advocate's mandate. Currently, this is not provided in the act. Can you comment on how important it is for staff to actually come forward and talk about the safety of children?

Ms. Wendy Miller: We haven't addressed that in our written submission. I think what I would say is that, in the spirit of seeking provisions that promote accountability and transparency, we would support that provision.

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Wendy Miller: We support the notion that for anybody who had a concern, that concern would find the appropriate place to be raised.

Ms. Catherine Fife: Thank you very much. Certainly, we're going to be trying to strengthen this legislation to make sure that the provincial advocate can actually follow through on his or her mandate, going forward, to protect children.

Thank you very much.

Ms. Wendy Miller: Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Thank you very much, Madam Fife.

Thanks to you, Ms. Miller, for your presentation and presence on behalf of the Ontario Association of Children's Aid Societies.

MS. CAROLYN SCHOLEY

The Acting Chair (Mr. Shafiq Qaadri): Now we are going to return in the schedule and go back to an earlier presenter who has just arrived, I understand.

Ms. Carolyn Scholey, if you'd please come forward. Your materials have, I think, been distributed to members of the committee. You have five minutes in which to make your opening address, and then you'll have questions rotating with each party.

I'd invite you to please begin now.

Ms. Carolyn Scholey: Good afternoon to everyone present for this Standing Committee on General Government hearing for Bill 8, the Public Sector and MPP Accountability and Transparency Act. I thank everyone for your participation.

I am Carolyn Ellen Slizys-Scholey, and I reside at 2935 Headon Forest Drive, Unit 6, in Burlington, Ontario. I have been waiting to sit here before you all for a very, very long time.

I am not here representing any organization or advocacy group. I also do not want you to hear my words and interpret them as someone who just wants certain individuals or corporations to pay for the circumstances that have happened. Rather, I don't want our story to ever happen to another family in Ontario going forward. What we endured could have easily been investigated, if not prevented, if there were provisions for accountability and transparency in place.

On October 24, 2008, my life changed forever. On that evening, I opened my front door to a world of turmoil that I never could have imagined. Two women from the children's aid society came to my door and told me that someone in our medical community had started a medical investigation and was accusing me of Munchausen syndrome by proxy, otherwise known as medical child abuse. That night, the two women removed my three children from my care. My two youngest children—Naomi was 16 months and Ryan was aged three—were apprehended from their daycares. My oldest son, Joshua, age seven, was home and witnessed these events firsthand from my side and was apprehended. My oldest son has type 1 diabetes and had been on insulin since the age of three. My youngest son had also been diagnosed with diabetes two years before this apprehension.

Apparently a doctor was questioning my younger son's diagnosis and involved the children's aid society for assistance, although in all honesty, they did not seem to know how to proceed other than apprehend all my children without any evidence of wrongdoing presented to them by the medical professionals, other than a query.

As I'm sure you know, in child protection cases, you are assumed guilty and must present evidence of your innocence, which in our case was quite difficult, considering it was based on a hypothetical "what if." The children's aid society never opened a child protection court application.

As the mother to these children and as the person accused of such an atrocity, I turned all my efforts to proving that the allegations were unfounded, which is what resulted in the text that you all have before you, the Scholey 3, which I distributed to all parties, including doctors, the children's aid society members and hospital administrators. Within three weeks' time, the two youngest children were returned back to my care. However, the children's aid society continued with the apprehension of my oldest son, Joshua, the child whose diagnosis was never in question nor was my care of his diagnosis questioned. The children's aid society recommended that my ex-husband, the father of my oldest child, file for divorce and subsequent custody of my oldest as they felt that this would make my life easier and put my family at a lesser risk of potential future harm. Again, the children's aid society never opened a child protection court application.

I was at a complete loss as to how to get my oldest child returned to my home, the only home he had ever known prior to this apprehension. The children's aid society stated that, since my ex filed for a divorce and since divorced parents increase the risk of furthering emotional harm, my son should stay where the society placed him, creating a new status quo.

I tried complaining through the hospital complaint procedures, which resulted in my hardship falling on deaf ears. They had consulted and met with the children's aid society behind closed doors without my knowledge. They had a retired pediatrician determine I could easily have Munchausen syndrome by proxy, but I was denied contact with this health professional. To date, I have

never met him, yet he diagnosed me with a suspected serious mental health illness with no training or background or experience in adult mental health. To this date, I have not even been able to get my hands on a copy of the report that he allegedly wrote. To this date, I have never been given the opportunity to see our children's aid file, other than a summary, which took months to obtain and is still one person's depiction of the events that unfolded.

Our children's aid file was open from 2008 to 2012 and spanned four years with no child protection court application ever. I complained and asked children's aid for the return of four years' of my son's return involvement with our family. I cannot access our health records because they've listed him as a crown ward.

So you see, our story is not a simple one. I do understand that there is some framework for accountability and transparency with each governing body. However, there needs to be a quarterback that you can go to who has the power to organize the bigger picture of accountability and transparency, someone who can access and investigate the entire MUSH sector, like an ombudsman can in other provinces—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Scholey. The time now goes to questions.

Ms. Thompson, you have three minutes.

Ms. Lisa M. Thompson: I would like to give you some time to finish your comments, please. She can use some of my time.

1640

The Acting Chair (Mr. Shafiq Qaadri): Go ahead.

Ms. Carolyn Scholey: Thank you. Our family, in particular, would have needed a multi-public-sector investigation handled. Our CAS social workers were not registered social workers, nor did they provide counselling to the children when it was asked of the society by multiple health practitioners. There was no way I could actively open investigations with the college of registered social workers. The Child and Family Services Review Board don't investigate complaints currently before the courts, such as custody, the duty to diagnose, the jurisprudence of the hospital and the college of doctors and physicians, the lack of access to child protection records and to hospital records, and the lack of inclusion at meetings between two intertwined organizations, especially after being branded with a superficial scarlet letter for hypothetically suspected medical child abuse. An ombudsman with increased oversight is exactly the person our family, and other families like ours, need.

I don't want our story to be a "How dare they?" but a "How can we prevent this ever happening again?" It has been six years and I still have no answers. It has been six years and the child, now age 13, not reunited with his family, is now majorly suffering from anxiety, depression and a disabling panic attack. I call this the ripple effect. It is for the children who are like my oldest that I stand here—sit here—in front of you, reliving our struggle. My son was told he only needed to pack enough clothes for three days, which turned out to be a lifetime.

I'm hopeful that the standing committee can make recommendations for Bill 8 to protect families like mine

and others, who need increased accountability and transparency with increasing the oversight of our provincial Ombudsman. For the first time ever in 40 years, I felt disadvantaged because of what province I lived in, and that's not right. I had no idea that our Ombudsman could not help us out. The provincial Legislature has the capacity to change policy, to make this Bill 8 come to fruition with a schedule that increases his Ombudsman oversight, accessibility of records and accountability of the public sector.

This is my hope and prayer and contribution, dedicated to my three children, Joshua, Ryan and Naomi, and Ontario families everywhere.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. Ms. Thompson, you still have 30 seconds or so.

Ms. Lisa M. Thompson: I just want to thank you for sharing your very personal story with us to try to make a difference. It means a lot. I appreciate it as well, and we'll go back and reflect upon it in the record. You not only came to share your story, but you had some very specific actionables that we'll take a look at as well. So, thank you very much and then, we'll move along.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson.

Ms. Fife.

Ms. Catherine Fife: Thank you very much. I'm amazed at your courage to come here and share your story. The documentation that you've provided us is very impressive.

This act, as it stands right now, does not have Ombudsman oversight over children's aid societies. Would you like to comment on that? This is your chance to do so.

We support it. We think the Ombudsman should have oversight to protect families and children.

Ms. Carolyn Scholey: Yes, I definitely think there needs to be an Ombudsman, because I asked for an internal complaints review committee and I was denied. Not only that, we weren't even told there was a place you could file a complaint with the children's aid society until two and a half years into our dealings with them. It was me trying to reach out to anyone I could find, basically, on the Internet to hear our story. I was lucky enough that by writing and compiling those documents, they at least returned two of the kids within three weeks. But if I had no issue parenting those two children, then there was no reason why I couldn't have had the third.

Ms. Catherine Fife: Okay. Thank you very much.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Fife, and thanks to you, Ms. Scholey, for coming forward, and your documentation as well.

I'd like to invite our next presenter to please come forward—

Interjections.

The Acting Chair (Mr. Shafiq Qaadri): Oh, I'm sorry. We do have the Liberal side. Pardon me. Please be seated again.

Mr. Baker.

Mr. Yvan Baker: Ms. Scholey, thank you so much for coming in, and I'm going to second the thoughts of

the folks opposite that it takes a lot of courage to come in and tell a story like the one you've told us. So thank you for doing that and for sharing that with all of us.

Your MPP for Burlington, Eleanor McMahon, is here, but I asked if I could ask the questions on this, just because I've been active on this particular piece of the bill. One of the things that I want to quickly ask you about was the issue of oversight that you've spoken to so much. You spoke to the importance of making sure that people have someone that they can turn to.

The intention of this bill was to do that: to give the Provincial Advocate for Children and Youth that oversight of children's aid societies. We believe—I think I believe anyway—that the advocate is well positioned, has the expertise, has the knowledge to be able to do that. We've been consulting with the advocate as we've been putting together this legislation.

My personal hope for you and others who are in your situation is that the advocate provides that oversight that you've been asking for. Although we've provided powers to the Ombudsman in this bill in other areas of government, in this particular area we think it's highly specialized and requires someone who has particular expertise and can really dig into those specific concerns that people like yourselves and others have raised.

The question I'd like to ask you is, in light of your personal experiences, what do you think would be some of the benefits of additional oversight of children's aid societies?

Ms. Carolyn Scholey: Additional oversight—sorry?

Mr. Yvan Baker: Oversight of children's aid societies. What would be the benefits of that?

Ms. Carolyn Scholey: It would cover cases like ours where we were not called a family in care, so we fell in the grey areas. There's no one you can complain to. We weren't technically in care, so we can't even go to the Child and Family Services Review Board. I didn't realize that by signing a temporary voluntary service agreement under coercion that I wouldn't see my kids again, and that that meant I was not in care but voluntarily giving my children away and I didn't actually have any rights as a parent by doing such.

I think even when the provincial advocate spoke she said that the children would have to still be in care for the children's aid to be investigated, so we—

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Carolyn Scholey: —kind of fell off the radar of anyone who could help us.

Mr. Yvan Baker: I'd just like to thank you again for coming in and for sharing your experience.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Baker, and thank you, Ms. Scholey, for coming forward.

MS. PAULA BILZ

The Acting Chair (Mr. Shafiq Qaadri): I now invite our next presenter to please come forward: Paula Bilz.

Welcome. As you've seen, the drill is five minutes. I think we've received your written submission as well.

Ms. Paula Bilz: Yes.

The Acting Chair (Mr. Shafiq Qaadri): Please begin now.

Ms. Paula Bilz: Okay. I want to thank you all for allowing me to speak on Bill 8, schedule 9. My name is Paula Bilz and I'd like to speak specifically about long-term care in Ontario and why we need an independent body to investigate complaints about the Ministry of Health and Long-Term Care, rather than keeping investigations in-house.

We are the only province in Canada that is not granted the provincial Ombudsman oversight of our health care system and vulnerable persons living in long-term care. As a person who has experienced first-hand the long-term-care system after being a primary caregiver to my mother, who was diagnosed with early-onset Alzheimer's disease and lived in a long-term-care home for over eight years, to an individual who went back to school and received a diploma in activation in gerontology, to working in the field as a front-line worker and concluding with working as a recreation manager, I have personal knowledge and professional experience regarding the decline of the care of individuals in long-term care.

A few of the critical issues are included in the handouts that I handed out to you, but due to time limitations I'm only going to touch on one specific point, and that is that incidents are not being reported to the home or ministry as residents, families and staff are fearful of any retribution from administration and owners. Family are also concerned about possible reprisals against their loved ones by the home and staff.

The few issues and complaints that are reported are not investigated thoroughly, and sometimes if they are resolved, I have witnessed that the first few months there may be a change but there is little or no follow-up, which at times leads the facility to backslide into old habits.

I have personally witnessed the resident bill of rights ignored and staff not reporting it because of intimidation and fear from the administrators and owners that make the staff work environment difficult, if not unbearable.

Yes, we know there is whistle-blower protection, but it cannot protect staff from backlash within the home. If health care was covered under the Ontario Ombudsman, this would give staff, family members, but more importantly, residents, a sense of security, safety and confidentiality.

There are some other issues that I have witnessed: the decline in the quality of adult briefs for residents and daily verbal abuse towards residents from staff because there's not enough time or staff to do their jobs in a professional manner. I've personally experienced outings for residents significantly decreased, all in the name of profit. When I have tried to resolve these issues through the way of doing things, I was personally bullied by the administration, and through the creation of a hostile work environment I was forced to resign from my position.

Why the Ontario Ombudsman? Allowing the Ontario Ombudsman to oversee the province's health care, spe-

cifically long-term care, would go a long way to restoring the public's and, more importantly, your constituents' faith and confidence in our health care system.

1650

The Ombudsman's 39-year track record of handling and resolving tens of thousands of individual complaints a year speaks for itself, because the Ontario Ombudsman already has the tools, staff, skills and training in place and does not have to reinvent the wheel. This would allow for true transparency, accountability and objectivity through an arm's-length, independent and impartial investigative body.

If this were to fall under the Ministry of Health and Long-Term Care, they would have to create the ombudsman position and department from scratch. Certainly if nothing else, there would be costs and extensive retraining associated with this new body. There would also be a start-up time during which time there would still be no real ombudsman process.

As a member of the voting public, I strongly feel that the optics of having an in-house investigative body working within and reporting to the Ministry of Health and Long-Term Care would be a conflict of interest at best. As we all know, this industry has seen more than its fair share of negative press and headlines. An in-house investigative body would move it further in that direction. An in-house ombudsman system should have at least the appearance of impartiality. How can it be done if the Ministry of Health investigates itself? This is where an independent investigative team like the Ontario Ombudsman's needs to be considered.

I respectfully ask that Bill 8's amendment 9 be changed to reflect the inclusion of Ontario health care services. We have to ensure that the individuals in long-term care who built and contributed to the growth of this province receive the best care when they are at their most vulnerable.

Bottom line: This is your moment to shine by allowing Ontario Ombudsman oversight of health care in this province and restoring Ontarians' faith in our health care system.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Bilz, for your precision timing.

The floor now goes to the NDP. Ms. Fife.

Ms. Catherine Fife: I thank you for coming in and sharing your experience.

It's almost like the weather is co-operating with your warnings. We share your concerns around not having provincial Ombudsman oversight. Specifically, though, can you comment on—right now, as it stands, the patient ombudsman can only enter a hospital, CCAC or long-term-care premises with the consent of the organization or a warrant. Do you think that's right?

Ms. Paula Bilz: No.

Ms. Catherine Fife: Do you think that the new patient ombudsman is going to be appointed by cabinet and, therefore, a government appointee? Do you share some concerns of that?

Ms. Paula Bilz: I totally share concerns with that.

Ms. Catherine Fife: The patient ombudsman is going to be employed by the Health Quality Council and, therefore, is going to be an employee of the government as well. Do you have any concerns with that?

Ms. Paula Bilz: I do have concerns with that.

Ms. Catherine Fife: You did reference retribution and some places having whistle-blower protection. Can you clarify why an in-house patient advocate or ombudsman is not truly going to be protected if they actually go to the wall for a patient?

Ms. Paula Bilz: How they're not going to be protected?

Ms. Catherine Fife: If they're in-house.

Ms. Paula Bilz: If they're in-house? If they're an in-house, like I said, they're still investigating themselves, and at some point, they're always going to side with their organization.

Ms. Catherine Fife: Because of the fear?

Ms. Paula Bilz: Fear.

Ms. Catherine Fife: Fear. Okay.

Ms. Paula Bilz: Yes.

Ms. Catherine Fife: Would it surprise you that this new patient ombudsman, based on the legislation as it's crafted right now, is not explicitly forbidden from holding other employment? So they can actually have another job and then also hold this very important job.

Ms. Paula Bilz: I do not agree with that at all.

Ms. Catherine Fife: No, nor do we.

I want to thank you for coming in. We're going to try to strengthen this piece of legislation as it goes to committee.

Ms. Paula Bilz: Thank you very much.

Ms. Catherine Fife: Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Fife.

To the government side: Mr. Baker.

Mr. Yvan Baker: Thank you so much for coming in as well and for sharing with me and with us. We don't have time here today, but I've also had my grandparents in long-term-care homes, and I'd wish for them the best possible care. My community of Etobicoke Centre is one where we have one of the largest proportions of seniors of any riding in Canada and a number of long-term-care homes, so I certainly understand this issue and sympathize with your concerns.

I wanted to say a few quick things and then, if I may, ask you a question—and I appreciate your points around the independence of the office. Our belief is that the office will be independent, and let me just share you why I say that. One element of it is that it's housed within Health Quality Ontario, which is an arm's-length agency—although under the Ministry of Health, an arm's-length agency.

The patient ombudsman's responsibility will be mandated, actually, to disclose publicly his or her findings—not just to the minister, not just to cabinet, but publicly. One of the things that, to my mind, is so important, having experienced what I have in the long-term-care homes, is the specialized expertise that you need in

someone who's going to be overseeing long-term-care homes and other aspects of health care, and a patient ombudsman could be that person with those specialized expertise. But also, because we've linked it with other aspects of the health care system—think about more systemic issues that translate across long-term-care homes, hospitals and other aspects of our health care.

Of course, one of the things that I'm particularly interested in and excited about is that when we hear complaints, those complaints filter up and, as quickly as possible, get disseminated into policy that then allows actionable steps to be taken to correct the problems that we have. Health Quality Ontario's mandate is to do just that, and that's one of the other reasons for having the patient ombudsman within Health Quality Ontario. These are some of the reasons why I believe it's independent, but also we can get more quickly to the outcome that I think you and I want, which is the best possible care for our seniors.

My question to you is: Could you talk a little bit, even just broadly, about why oversight over long-term-care homes is so important?

Ms. Paula Bilz: Why it's so important? Because these are our most vulnerable individuals, and they feel—and I can speak on their behalf—that they've been thrown away. No one wants to live in long-term care—no one. No one says, "I want to live in long-term care."

There are people who don't do group activities and they sit in their bedrooms all day, without visitors. It's very important that we don't forget about them. They're thrown away. That's how they feel and that's how they're being treated. That's why I believe that we should have the Ontario Ombudsman rather than the patient ombudsman that you are suggesting.

Mr. Yvan Baker: Thank you for coming in. We appreciate it.

Ms. Paula Bilz: Thanks.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Baker.

To the PC side: Ms. Thompson.

Ms. Lisa M. Thompson: Thank you very much. I appreciate your personal perspective and experience that you bring to the table today. Just to revisit, you'd like to see amendment 9 changed to reflect the inclusion of our health care services specifically with regard to long-term care.

Ms. Paula Bilz: Yes.

Ms. Lisa M. Thompson: Okay. You touched on a couple of them. Can you share with us what else you've experienced with regard to the intimidation, if you will? What have you seen that is an atrocity that could have Ombudsman oversight?

Ms. Paula Bilz: I've seen staff intimidate residents. I've seen administrators intimidate managers, and staff also. Basically, they run the home. It is their home and they figure that they can run it their way without anybody complaining because their jobs are—I mean, everybody needs to work.

Most of the people in long-term care who work there are great people; there's just not enough of them. There's

more complex care. Some 60% of people in long-term care are suffering from dementia. They have no voice because they don't understand what you're asking them.

Ms. Lisa M. Thompson: Can you touch on the complex care that's evolving and needed?

Ms. Paula Bilz: What I've been noticing is that more and more young people are coming into long-term care, people who have MS and MD. They're younger and they are all in wheelchairs. They all have to have lifts. They need more nursing care, but the people who also have dementia need just as much nursing care. Even though they can still walk, they still can't tell you sometimes if they have to go to the washroom. They can't tell you things. So there's just not enough.

Ms. Lisa M. Thompson: I'm curious; in your experience, is there an opportunity for feedback? Did you feel you had the opportunity to go to your manager who in turn went to the administrator, and the administrator had another area to vet concerns with, outside of the Ombudsman? Has the government been responding to some of these concerns?

Ms. Paula Bilz: No, and that's another thing; a lot of people have lost faith in the Ministry of Health and Long-Term Care, and because they've lost faith they're not going to say anything.

Ms. Lisa M. Thompson: Thank you very much. One last thing: Would you be available for further consultation if we had more questions for you to clarify?

Ms. Paula Bilz: Absolutely.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson, and thanks to you, Ms. Bilz, for coming forward in your deputation.

COUNCIL OF ONTARIO UNIVERSITIES

The Acting Chair (Mr. Shafiq Qaadri): I now invite our next presenters to please come forward: Barbara Hauser, secretary to council and senior policy adviser; and Vicki Hodgkinson, university secretary, University of Guelph, representing the Council of Ontario Universities.

You might just introduce yourselves. You've seen the drill; five minutes, beginning now.

1700

Ms. Barbara Hauser: Hello. My name is Barbara Hauser. I'm secretary to council at the Council of Ontario Universities.

Ms. Vicki Hodgkinson: And my name is Vicki Hodgkinson. I'm the university secretary at the University of Guelph.

Ms. Lisa M. Thompson: Go, Gryphons.

Ms. Barbara Hauser: Can I start?

The Acting Chair (Mr. Shafiq Qaadri): Yes, please.

Ms. Barbara Hauser: Okay. Thank you very much for the opportunity to address this committee today in connection with Bill 8. We are here specifically in connection with schedule 9 of Bill 8 related to the extension of authority of the Ontario Ombudsman to universities. We understand that the government is seeking the author-

ity of the Ombudsman over universities to increase accountability and oversight of the university sector, but we're here today to tell you that universities are committed to open and fair policy and processes for the types of concerns that may come to the attention of an ombudsperson.

We believe that the extension of the Ombudsman authority duplicates the processes that are already in place at universities, and this raises the issue of the efficient use of resources, both public and private, both the government's resources and the university's resources.

All 20 universities have well-established and effective policies and processes that govern their activities and rules and regulations designed to ensure due processes for employees and students. Ten universities already have ombudsman's offices or persons, and the universities that do not have that specific function generally have an equivalent function handled through other university offices.

Ms. Vicki Hodgkinson: More specifically, universities have complaint procedures, as well as dispute resolution processes and academic appeal processes and procedures, that are designed to fit within the institution's array of programs and services, as is befitting their legislative responsibilities and their structures, roles and governance arrangements. The senate, for example, has very clear statutory authority for academic matters and academic decisions, including concerns that may emerge at the student level.

The fact that some universities have chosen to establish an ombudsperson office and others haven't chosen to do it in that way is just speaking to the differentiated approach that the universities take. It relates usually to their size of institution and the array and complexity of their organization. In any event, there are functions and processes and responsibilities in place to address those kinds of issues.

We believe that the extension of the Ombudsman's authority is unnecessary. Statistics from the most recent annual report made available, in fact, by the ombudsperson's office show that the number of university-related complaints are very small and not sufficient to warrant increased oversight into the sector, particularly, as I mentioned, in light of the fact that there are existing policies and procedures in place at each institution.

So Barbara and I are here to present the opportunity of managing scarce taxpayer dollars and pointing out the opportunity, then, to set aside adding to the Ombudsman's load by bringing in universities, and we'll continue with our processes at the sectoral level that by all evidence are performing well.

Interjection.

Ms. Vicki Hodgkinson: We work well with our government ministry and regulators and tend to, when issues come up, work well them to try and find resolutions. We know that every institution isn't perfect and there are sometimes things that get snagged, but I can tell you, speaking specifically from the University of Guelph

perspective, that we do work really hard to try and keep people feeling they've had their issues heard and well attended.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. You still have 25 seconds or so, if you'd like to use them. No? We'll move on with questions. Fair enough.

To the government side. Mr. Baker?

Mr. Yvan Baker: Thank you so much. Thank you both for coming in.

One of the things that I think is important to highlight is that we certainly appreciate that each university has—there are various forms, as you pointed out, of oversight and accountability mechanisms in response to student and other concerns. So the idea behind the legislation is that the Ombudsman would not be involved in oversight until each university's respective approach in dealing with those had been exhausted. I wanted to highlight that fact because I think it's meant to be clear that certainly we would allow the universities to exhaust their processes before it went on, and of course, each university still has the option of pursuing whatever mechanisms they would like, whether it be an ombudsman—I know it's probably around half that have one—or whatever other mechanisms they would like to have in place. Obviously, the option is still there for each university to institute its own ombudsman.

But again, the goal is to think about how across government, in the institutions that taxpayers fund—when you talk about the scarcity of resources—we provide that oversight that so many are looking for.

My question to you would be, can you talk a little bit about the fact that the bill does not require that a university take on an ombudsman, nor does it interfere? The Ontario Ombudsman would not oversee a complaint until internal processes had been exhausted. Can you comment on that?

Ms. Vicki Hodgkinson: Yes. Actually, I think COU can provide a detailed analysis, but the way that it's written suggests that if a student or an employee just waits out the time periods that are available for internal processes, then they get to come to the ombudsperson, sort of letting any opportunity to use the internal mechanisms pass, and so sort of leapfrogging over to the ombudsperson. Not to nitpick, but I think there is some other interpretation of the draft legislation that I know the Council of Ontario Universities would be happy to point to some tightening there.

Again, it's just the feeling that there are already ample public resources going into addressing concerns, and it's a question of how many more public resources the province has available to do that kind of work.

Mr. Yvan Baker: I think the other goal, too, is to think systemically about the university sector, so having someone who is looking over all universities offers an opportunity for learnings that can be shared and really, hopefully, benefit individual universities.

Ms. Vicki Hodgkinson: We have many looking over us. Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Baker.

To the PC side: Ms. Thompson.

Ms. Lisa M. Thompson: Full disclosure: I'm a proud Gryphon, just so you know.

Ms. Vicki Hodgkinson: I love you.

Ms. Lisa M. Thompson: I'd like to learn more about your dispute resolution that's already in place. Can you describe that? I'd like to hear about the process, and then my supplemental would be, is the process a standard that other universities adapt to and adhere to?

Ms. Vicki Hodgkinson: Right. There are several stages. As a first order, the policies are designed to try to get the problem to be evoked early, and there will be informal mechanisms used at the earliest level by the people most vested in the issue at hand, whether it's students involved or employees. Then there's usually some staging, so there are usually two or three stages so that if something can't be resolved, no matter the nature of the problem—and there are human rights-related issues, academic-related issues, student behaviour-related issues, there are staff harassment issues—there are different policies and processes, all of which have been evolved and attended to with care in light of provincial legislation that covers that gamut.

Then there are some stages of appeal. Ultimately, most of the processes that have a structure and a procedure at the university can also go to judicial appeal, so go to the courts.

We are very attentive and can say as a sector on how these procedures and policies are designed and implemented. We strive for transparency and administrative fairness around all of these different streams of decision-making.

Ms. Lisa M. Thompson: Thank you. Are those processes standard across the 10 universities?

Ms. Vicki Hodgkinson: They aren't standard because they have been designed to fit with that set of programs. Some universities are into certain kinds of businesses that others are not, in terms of services and support for students or the roles that faculty and staff play.

Ms. Lisa M. Thompson: Okay, got it. Thank you very much.

Ms. Vicki Hodgkinson: Thank you.

Ms. Lisa M. Thompson: Thanks for taking the time to be here today.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson.

To the NDP side: Ms. Fife.

Ms. Catherine Fife: I, too, appreciate your coming here and making the case for university exemption. However, if you look at the recent media cycle, for instance, we are seeing sexual harassment and assault on university campuses across this country and this province as hugely concerning, and I know you share these concerns as well.

1710

One in four young women reports sexual assault on campus. In that instance, where would those women, or men—because in some cases it's men—or lesbian, bisexual or transgendered seek a truly independent voice to

protect their rights to go to school and not be victimized on campus?

Ms. Barbara Hauser: I think what's happening right now is that something is in the media, and it's on the front page, and it's characterized as there not being policies in place. But universities have been addressing this over the years in different ways. There are policies. The Council of Ontario Universities is now working with the universities to bring these policies together, to examine them and to see if there might be a set of guidelines to put in place with respect to the policies. That's the way the universities operate, and one of COU's roles is to help coordinate them when they're working in the collective.

That is being addressed. I don't know that the Ombudsman would change that.

Ms. Catherine Fife: Just to be clear, the NDP fully support Ombudsman oversight on university and college campuses, because clearly we've missed—you may have individual universities and colleges that are being very progressive and are trying to address the gap, but this is a systemic issue. I think, from our perspective, the goal is to ensure that there are some resources, or a vision or legislation or what have you, to address the bigger issue across the province.

Specifically, aside from that specific example, how would students come forward if there is a lack of confidence, or if there's a confidence issue, that their inquiry would be handled independently on a campus? How about that?

Ms. Vicki Hodgkinson: Catherine, I think if you—and I'm only referencing the University of Guelph ones, because they're the ones I know best—

The Acting Chair (Mr. Shafiq Qaadri): Thirty seconds.

Ms. Vicki Hodgkinson: —but they're not unique in the sense that they aren't available elsewhere. We have very specific protocols and procedures, and they're produced in a way that makes them student-friendly and accessible. They are available on our websites, and you can go to counselling services or support services that are available for students. Those are known to our staff and help get people to appropriate, fair-minded places and processes that will let them address their concern with confidence that they're being addressed appropriately and confidentially.

Ms. Catherine Fife: One quick question—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Fife.

Thanks to you, Ms. Hauser and Ms. Hodgkinson, on behalf of the Council of Ontario Universities. You are now officially dismissed.

Ms. Ann Hoggarth: Chair?

The Acting Chair (Mr. Shafiq Qaadri): Ms. Hoggarth.

Ms. Ann Hoggarth: I just wanted to ask if we could have a list of the 10 universities that do have ombudsmen, please.

The Acting Chair (Mr. Shafiq Qaadri): You are absolutely within your rights, as an elected member of this assembly, to do so.

We now have Ms. Forster.

Ms. Cindy Forster: I have one question too—

The Acting Chair (Mr. Shafiq Qaadri): Ms. Forster, committee time is officially over for these witnesses—

Ms. Cindy Forster: I want some information brought back to the committee.

The Acting Chair (Mr. Shafiq Qaadri): Of the committee or of the witnesses?

Ms. Cindy Forster: Of the witnesses to the committee. I want them to give us some information.

The Acting Chair (Mr. Shafiq Qaadri): Fine. Go ahead.

Ms. Cindy Forster: I'd like to know if there's a list available of each of the universities and colleges and their board of governors, and whether those meetings are actually open to the public, if the council of universities and colleges can provide that to us.

Ms. Vicki Hodgkinson: Yes.

Ms. Cindy Forster: Thank you.

The Acting Chair (Mr. Shafiq Qaadri): What I might just ask is, whatever the two latest research requests are, if you could just communicate that to legislative research.

Our final presenter, whom we're trying to reach by teleconference, is Shannon Alberta. We're going to give her five minutes to be reached. If not, the committee will adjourn. The committee is still in session, but there is a sort of—

Mr. Mike Colle: Is she in the room, maybe?

The Acting Chair (Mr. Shafiq Qaadri): An excellent point: Is Shannon Alberta in the room? No. She's coming via teleconference. Therefore, unless she was extremely generous, she likely would not have done so, although I suppose I should have cleared that.

MS. SHANNON ALBERTA

The Acting Chair (Mr. Shafiq Qaadri): Committee is still in session. We have five minutes of time. Now counting.

Colleagues, Shannon Alberta is now coming to us via teleconference. Ms. Alberta, are you there?

Ms. Shannon Alberta: Yes, I am.

The Acting Chair (Mr. Shafiq Qaadri): Thank you. We'll just increase your volume.

Just for protocol: You'll have five minutes for an opening address, and then we'll rotate through the different parties for questions, beginning with the PC side. Please begin now.

Ms. Shannon Alberta: Okay. Hi, everyone. I'm sorry; I'm in the middle right now of picking up my vehicle at the shop. I had expected to do the teleconference at 5:45 today, so I'm going to do my best without the information I had gathered in front of me while I pay for my vehicle and pick it up.

What I'd first like to say is thank you for hearing me. The other thing is that I'm pro-Bill 8 to pass. I have some

personal experience with some things that have been going on with child and family services, as well as the school boards and hospitals, where there is municipal jurisdiction. It seems that everyone thinks a child could be at risk from missing two days of school a year. Some of the children who are being apprehended are being placed in foster care homes that aren't monitored. These children are being abused in the homes, and there needs to be oversight.

I know that Bill 8 isn't going to address everything, and not to the full extent it needs to be addressed. However, this is a step in a positive direction, and I have high hopes for this. I'm looking forward to writing my piece for the Child and Family Services Act review, as well; I will be doing that from an agency perspective rather than my own individual perspective.

1720

Like I said, I don't have any of my notes in front of me, so it's really hard for me to do this call. I hope I'm coming across clear enough for everyone. What else would I like to say? There are a lot of "ums" in here. Sorry about that.

I guess what I can touch on is with oversight by—that's basically what I'm talking on. I believe it's schedule 9 mostly, the Ombudsman's oversight a bit because things need to be changed. There are a lot of indiscretions and things going on in the courts that don't need to be. There are children who are not at risk in their homes being taken from families, and there are children at risk in foster homes.

The way that child and family services is doing it through their standards, which they are allowed to do by the Ministry of Children and Youth Services, which is overseen by OACAS—it's not proper; it's not right. They're not addressing what a child of abuse would be that we would see, and that would be someone who was actually being physically, emotionally or mentally abused. They're using their "abuse" as those who may miss one or two days of school.

I guess that's my opening address for now. Like I said, I don't have any of my information in front of me. I'm just picking up my vehicle at the shop. I think that's it for my first five minutes. Thank you for listening, everyone.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Alberta. I appreciate we've put you a bit on the spot, getting you considerably earlier than booked.

I will now pass you to the Progressive Conservative caucus and MPP Lisa Thompson, who will have three minutes in which to ask you questions.

Ms. Thompson.

Ms. Lisa M. Thompson: Shannon, thanks very much for making yourself available earlier than originally scheduled. If it's any consolation, we've heard from other people today who have shared similar concerns to what you were sharing with us.

One thing that stuck with me during your opening comments: You mentioned that things need to be changed. Can you take a moment and be very specific with what you feel needs to be changed?

Ms. Shannon Alberta: Yes. What needs to be changed is how the children's aid society is using the Child and Family Services Act. They're using their own standards for what a child in need of protection is. It needs to change because they're not actually addressing the children who are at risk.

I don't have the documents in front of me, Ms. Thompson, but there are things like, let's say, under part III, I think it's (2)—it goes from (2)(a) to (f). They're using 2(a), (b), (d) and (e), and all those are little laws. They're legislation in the act that say a child is at risk, according to the ministry and the minister. The other ones that they're omitting are actual abuse. So if a child is—if there's a call in and there's a family fighting, let's say the male had beaten the woman, his wife, and he had knocked his child down the stairs at the same time. What child and family services is doing for protection in that case is they're just opening a file, and then they just go and refer them to counselling services. Then, if they don't hear any more reports after three months, then they just close it, whereas if it was a child who was missing a couple of days of school and there was a call in that maybe the parent forgot to send them to school with lunch, that's where they put them at risk, and then they will take them for an interim time into temporary custody.

Ms. Lisa M. Thompson: Thank you very much for sharing that. In terms of a timeline, we have Bill 8 working its way through the process. Will you be following the committee activity and additional deputations?

Ms. Shannon Alberta: Yes, I will be.

Ms. Lisa M. Thompson: Okay. Very good. Stay in touch. To be fair, if there's anything you've missed, given that we called you earlier, please don't hesitate to submit your documentation through to the Clerk of this committee and she'll be sure to get it through to us.

Ms. Shannon Alberta: Thank you, Ms. Thompson. I think I will do that because when I was referencing the point under the Child and Family Services Act, I'm not even sure that I referenced the right parts. So I will do that—

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Ms. Thompson.

Thanks, Ms. Alberta. We'll now pass you to the NDP caucus: Ms. Fife.

Ms. Catherine Fife: Thank you very much. You're going to need a new gavel, I think, by the end of today.

Shannon, I do appreciate the fact that you didn't have your notes in front of you.

The children's advocate couldn't oversee foster homes outside of the Children's Aid Society. Do you have concerns about the limits of the advocate's powers to investigate in those circumstances?

Ms. Shannon Alberta: Yes, I do. I do have concerns. They should have more power to investigate. I think there should be more oversight on that part. They should have that, definitely.

Ms. Catherine Fife: And just for your records, I don't know if you know this, but we support in total any amendments to schedule 10 of the act sought by the chil-

dren's advocate because we think that he or she should have all the tools at their disposal to protect children.

Thank you very much for calling in today, Shannon.

Ms. Shannon Alberta: All right. Thank you.

The Acting Chair (Mr. Shafiq Qaadri): We now pass you, Ms. Alberta, to the government side: Mr. Colle.

Mr. Mike Colle: Thank you again for making yourself available. Whatever car trouble you have, I hope it goes well.

Ms. Shannon Alberta: Thank you.

Mr. Mike Colle: Just if you have something in writing or something you want to send to us electronically, please take your time and send it to the committee—through the Clerk or through the Chair?

Ms. Shannon Alberta: Okay.

Mr. Mike Colle: Madam Clerk, who should she send the information to?

Interjection.

Mr. Mike Colle: To the committee Clerk.

Ms. Shannon Alberta: Yes.

Mr. Mike Colle: So just get it to us and she'll get it to us promptly. Okay?

Ms. Shannon Alberta: Okay. I appreciate that.

Mr. Mike Colle: So when you get home tonight, have a cup of tea and then send us something that you have, that you want to share with the committee. I'm sure the committee's anxious to look it over.

Ms. Shannon Alberta: Okay. Thank you, Mr. Colle.

Mr. Mike Colle: Okay. Take care. Thank you.

The Acting Chair (Mr. Shafiq Qaadri): Thank you, Mr. Colle, for your questions and nutritional counselling. Thank you, Ms. Alberta, for joining us earlier.

If there are no further questions—thank you very much for your time, Ms. Alberta. If you'd just hold on for a moment while I hear a whisper.

Ms. Shannon Alberta: Yes.

The Acting Chair (Mr. Shafiq Qaadri): Ms. Alberta, I'm just reminded that 6 p.m. on Wednesday is the last opportunity for you to submit materials to us in writing or by email. So if you might just comply with that. Thank you very much.

Ms. Shannon Alberta: Okay. Thank you very much.

The Acting Chair (Mr. Shafiq Qaadri): Committee members, if there is no further business, I'll just remind you that committee reconvenes out of schedule but Wednesday, November 26 at 1 p.m.

Any further business, colleagues, besides a call for a clock or anything like that?

Mr. Mike Colle: Yes. I move that at the next meeting we have a public clock available.

The Acting Chair (Mr. Shafiq Qaadri): No, you may not. Thank you. Committee is adjourned.

The committee adjourned at 1728.

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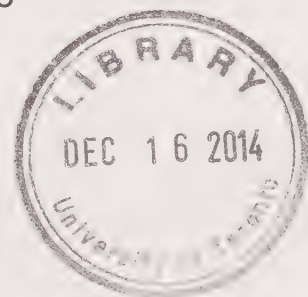
Mercredi 26 novembre 2014

Standing Committee on General Government

Public Sector
and MPP Accountability
and Transparency Act, 2014

Comité permanent des affaires gouvernementales

Loi de 2014 sur
la responsabilisation
et la transparence
du secteur public
et des députés



Chair: Grant Crack
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Wednesday 26 November 2014

Mercredi 26 novembre 2014

*The committee met at 1301 in committee room 2.*PUBLIC SECTOR
AND MPP ACCOUNTABILITY
AND TRANSPARENCY ACT, 2014LOI DE 2014 SUR
LA RESPONSABILISATION
ET LA TRANSPARENCE
DU SECTEUR PUBLIC
ET DES DÉPUTÉS

Consideration of the following bill:

Bill 8, An Act to promote public sector and MPP accountability and transparency by enacting the Broader Public Sector Executive Compensation Act, 2014 and amending various Acts / Projet de loi 8, Loi visant à promouvoir la responsabilisation et la transparence du secteur public et des députés par l'édiction de la Loi de 2014 sur la rémunération des cadres du secteur parapublic et la modification de diverses lois.

The Chair (Mr. Grant Crack): Good afternoon, everyone, and welcome to the Standing Committee on General Government. This afternoon, we're here to hear from the public and stakeholders regarding Bill 8, An Act to promote public sector and MPP accountability and transparency by enacting the Broader Public Sector Executive Compensation Act, 2014 and amending various Acts. I believe I called the meeting to order. If not, I call the meeting to order.

Welcome, members of the committee. We do have quorum at this point.

I'd just like remind everyone we are on a very tight schedule. Unfortunately, my job is to make sure things run along smoothly. We have five minutes for each presentation, followed by three minutes of questioning and/or comments from each of the three respective parties.

MS. MARIA K. DASKALOS

MR. JOE COLANGELO

The Chair (Mr. Grant Crack): Having said that, I would like to welcome Ms. Daskalos and Mr. Colangelo here this afternoon.

Ms. Maria K. Daskalos: Good afternoon.

The Chair (Mr. Grant Crack): Good. Welcome. We appreciate you being here.

Ms. Maria K. Daskalos: Good afternoon. My name is Maria Daskalos, and I am the daughter of Dimitra Daskalos, who passed away in February 2011 at Toronto General Hospital.

My mother's case, outlined in detail in the handouts, clearly exemplifies the critical need for a true independent body, like the Ontario Ombudsman, to be able to investigate complaints in our health care system.

Creating an internal patient ombudsman, as proposed in Bill 8, is not logical. A patient ombudsman that reports to the ministry would be unable to remain impartial or objective because he is not independent. The provincial Ombudsman is.

My mother needed our health care system to heal and protect her. Instead, it tragically failed her.

I quote André Marin from his 2012 Ombudsman's report: Her "mother passed away in hospital in the kind of terrible circumstance we all have nightmares about."

Our mother required medical attention, and she had heart failure. She could not be discharged or looked after by a long-term-care facility. Our mother endured unnecessary pain and suffering despite our family's daily efforts to fight for her right to proper and compassionate care.

The hospital failed to protect her, wanted her out and would go to any length to achieve this. They bullied our family and pressured us on a daily basis. They sent us an illegal bill for over \$18,000.

The hospital's final actions were truly shocking. During a viral outbreak, they approached us and said they had directives from infection control to move our mother to another semi-private room in order to "keep her safe."

Our frail, tiny mother was now only 53 pounds and was obviously high-risk. The hospital intentionally breached infection control protocols. They directly exposed our mother by placing four infected patients in the bed next to her, one right after another.

We were frantic. We made calls to the hospital administration, and we were told to contact patient relations. Our mother contracted the virus and passed.

For over three years, our family has been seeking answers. The hospital administration, the Minister of Health, the LHIN and both Premiers refused to investigate or address our concerns because they said that they don't have to.

This government promised to be transparent and accountable, and it is time to live up to that promise. The

only way to achieve true independent oversight is to amend Bill 8 and grant the Ontario Ombudsman the direct power of investigation over health care. Otherwise, the abuse, untimely deaths and continued erosion of quality care will continue.

This is a non-partisan issue, and I urge each and every member to think about your own mother and how something similar could happen to a family member in the future. This situation is critical. Please vote your conscience. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Yes?

Mr. Joe Colangelo: Yes.

The Chair (Mr. Grant Crack): Okay, so you have just under two minutes.

Mr. Joe Colangelo: Good afternoon, Mr. Chair, members of the committee. My name is Joe Colangelo. I am a lawyer. I assist Ms. Daskalos on a pro bono basis because this is a very important issue, but I would also like to be of some assistance to this committee. If there are some questions that members of the committee would like to put to me after the session is over, I'd be pleased to consider them and respond in writing.

We have given you a six-page submission which is the essence of the submissions on the law, and I will give you a summary of them.

I would urge the committee to remember that the Ombudsman is an essential critical part of the civil liberties of this province. It was borne out of a commission called the McRuer commission many years ago, and his or her office is a special office. He is an officer of the Legislature of Ontario, appointed on address of the assembly. He reports to the Legislature. This is about independence and accountability.

The patient ombudsman described in schedule A to the proposed act, Bill 8, does not have those features. He or she is appointed by the party in power. He or she reports to the minister who is responsible for the health care organizations. There is a problem with not only accountability and objectivity, but with the appearance of objectivity and accountability. Thank you very much.

The Chair (Mr. Grant Crack): Thank you very much, sir. So we will move—traditionally, we start with the Conservatives, but we'll go with the NDP to start.

Ms. Catherine Fife: Thank you very much for coming here and sharing your story. I think it takes a lot of courage. I will not surprise you, I hope, to know that the NDP of course supports an independent provincial Ombudsman. We've been fighting for it for a number of years. But I just want to get some points for the record, if you don't mind.

Do you share our concerns that the new patient ombudsman would be appointed by cabinet?

Mr. Joe Colangelo: Absolutely.

Ms. Catherine Fife: Do you share our concerns that the patient ombudsman will be employed by the Health Quality Council and, therefore, will be an employee of an agency of the government?

Mr. Joe Colangelo: Yes.

Ms. Maria K. Daskalos: Yes.

Mr. Joe Colangelo: And that point is addressed specifically in our submission. The Ontario Health Quality Council has a membership which is not at arm's length from health care organizations. They are the employer of the patient ombudsman. That is inappropriate, in our view.

Ms. Catherine Fife: Thank you very much for that. There has been a lot of talk about patient advocates. There's obviously a case to be made for patient advocates; they're not useless folks. Do you agree that it is important to help people resolve issues, but patient advocacy and facilitation are not oversight?

Mr. Joe Colangelo: Absolutely. It's advocacy; it's not oversight.

Ms. Catherine Fife: So the issue of the patient ombudsman—delegations came here on Monday as well. Several of them made equally emotional and powerful deputations. Their concern is that there will be a culture of fear that a patient ombudsman would be operating in and, therefore, would not be able to fulfill their full responsibilities.

Ms. Maria K. Daskalos: Absolutely. They could not. It would be impossible for them to do so because they are being paid by the Ministry of Health.

1310

Ms. Catherine Fife: There are a lot of weaknesses with this, and this is one of the reasons that we didn't support the use of so-called transparency and accountability. This is an omnibus bill, and there are good things in Bill 8 that we can support around true accountability, but the call for true oversight in the health care system, which is a \$52-billion budget item, is required in the province of Ontario. Can you please add any other comments that you might feel would help persuade the government to bring—

Ms. Maria K. Daskalos: I would say we are the only province remaining—and many people don't realize that—without independent oversight by the provincial Ombudsman. It is time for the Liberal government to own up to their promises. They have talked about being accountable and more transparent, and this is their opportunity. It is a most vulnerable sector. In fact, health care should have been the first thing that was given direct oversight by the government—and children's aid societies.

Ms. Catherine Fife: Thank you very much for coming here today.

The Chair (Mr. Grant Crack): Thank you. We'll move to the government: Mr. Baker.

Mr. Yvan Baker: Thank you very much. Thank you both for coming in and thank you for sharing your story. I think it's not easy to do what you've done.

Ms. Maria K. Daskalos: Sorry, I can't hear you.

Mr. Yvan Baker: It's not easy to do what you've done, and I wanted to thank you for coming in to share your personal story.

Ms. Maria K. Daskalos: Thank you.

Mr. Yvan Baker: I think that's difficult, particularly in this public setting with all of us, so thank you.

I'd like to share a few quick points and then ask you a question or two, if I may. Obviously, the intent of the bill was to make sure that we had someone who was specialized in health care looking at some of the issues that you've described and others, and that person being in a position to be able to do two things. One is to make sure that they could handle systemic reviews, so they'd go across the health care system in a specialized and sector-specific way; but also that feedback that comes from people like yourself and others, patient feedback, that that gets brought into the health care system as quickly as possible and the corrective measures get taken. That was the intention behind keeping the patient ombudsman within Health Quality Ontario.

Health Quality Ontario is an arm's-length agency of the government. What we've tried to do to make it as independent as possible. I know that's the key point that you've raised. We've tried to do a few things. One is that the patient ombudsman would still report publicly. All the reports that they would make would be made—and the minister's, of course—public as well. There would be a dedicated budget offered to the patient ombudsman. In other words, they would have the funding ensured so that they could operate independently.

The other thing is that the Ontario Ombudsman would still have oversight over this ombudsman, so that level of oversight would still be there, again, with the spirit of trying to make sure that concerns that you've raised get brought into the health care system as soon as possible. Those are some quick thoughts on some of the issues that you've raised.

Let me just ask you to tell me a little bit about what the benefit would be of additional oversight, in your view, in the health—

Ms. Maria K. Daskalos: Okay, I can answer that. First I'll address the first part of your question. I disagree that an ombudsman who has oversight powers should be a doctor, necessarily, or a health care professional. I believe it should be someone who is an experienced investigator. The Ontario Ombudsman has those abilities and everything is in place.

I disagree with the statement that it would be providing oversight because it would be providing advocacy, which is fine, maybe in the health care environment, but most times when something goes terribly wrong, like it did in my mother's case—and it's not an isolated matter—you have to feel that you can trust the person you're going to. A patient ombudsman or internal patient ombudsman appointed by the Minister of Health and reporting to the ministry, being paid by the ministry, cannot absolutely be impartial. They cannot investigate. It's illogical. They are working for the ministry. You need independent oversight and the government should not fear that. They should not. It is time for that to happen. You can appoint another patient relations advocate within the health care system; I'm fine with that. But I do believe that person should have oversight.

You made another comment saying that the provincial Ombudsman would then have oversight over this individual. Well, by that time I don't believe they'd be able to effectively do their job, and then the patient would have to complain again about that so-called internal patient ombudsman, let's say, and their inability to do the job, and then you would have to possibly get the provincial Ombudsman involved. That's creating another level that is totally unnecessary. It will cost this government nothing to just do the right thing and give the Ontario Ombudsman the direct oversight over our health care system.

The Chair (Mr. Grant Crack): Thank you very much. I really appreciate you coming forward and sharing your insight, so thank you very much. The time is up and we'll continue.

Ms. Maria K. Daskalos: Thank you.

Mr. Joe Colangelo: Thank you, Mr. Chair, and thank you, members of the committee. You folks have a good day.

MUNICIPAL INTEGRITY COMMISSIONERS OF ONTARIO

The Chair (Mr. Grant Crack): Next we will have, from the Municipal Integrity Commissioners of Ontario, Mr. Levine and Mr. Elston.

Mr. Greg Levine: Thank you.

Mr. Harold Elston: Thank you.

The Chair (Mr. Grant Crack): You have five minutes.

Mr. Greg Levine: Sorry. Can you hear me?

The Chair (Mr. Grant Crack): Yes.

Mr. Greg Levine: Thanks. My name is Greg Levine. I'm a lawyer from London and Southampton, Ontario. I'm accompanied by Harold Elston, who is a lawyer in Collingwood, Ontario.

We're both integrity commissioners for various municipalities and we both are members of a network of municipal integrity commissioners. It's on behalf of that grouping of commissioners that we appear today.

The commissioners are deeply concerned about the potential effects of schedule 9 of Bill 8 on the development of municipal integrity regimes and the ability of commissioners to do their work.

You have a copy of our presentation; I'm not going to read through it all, but I just want to highlight some things.

Schedule 9 will extend the provincial Ombudsman's jurisdiction to encompass municipalities. It would appear that jurisdiction will extend to the accountability officers of those municipalities and their work as well, although this is not explicitly stated except with respect to municipal ombudsmen and open meetings investigators. Practically speaking, the coverage of accountability officers would appear to be duplication.

In addition, the potential to reinvestigate or to simultaneously investigate complaints will raise confusion. Diminution of the powers of the integrity commissioners

will also occur through some of the amendments proposed in schedule 9.

Because of the breadth of the term “administration” in the Ombudsman Act, it’s likely that the Ombudsman will have jurisdiction over integrity commissioners. It would appear that the current Ombudsman has taken this position. Bear in mind that the integrity commissioners are legislative officers appointed under legislation by councils. The potential jurisdiction of the Ombudsman creates a cumbersome scenario in which officers who are essentially parliamentary in their own right are looking at exactly the same sets of problems. This is unheard of in the ombudsman world and in the world of officers of the Legislature.

I know that time is short, and our needs are somewhat urgent. I’m going to cut to the chase. If the Legislature has not intended that the jurisdiction be so broad, it ought to clearly specify that and to exclude the accountability officers. If it does intend to have jurisdiction extend to accountability officers, particularly integrity commissioners, it should do two things.

As the legislation now stands, there is deference given to the municipal Ombudsman; that is, that there will be no investigation by the provincial Ombudsman if there’s an investigation under way, and no investigation will be triggered until that investigation has ceased or there’s a refusal to investigate or some time limit has run out. That should be the same for all accountability officers, and particularly integrity commissioners.

Secondly, there’s a confidentiality provision in our legislation, in the Municipal Act, which allows integrity commissioners to maintain confidentiality. Subsection 19(3) will be amended by schedule 9 to pierce that confidentiality. That will weaken the integrity commissioners. It raises the possibility that information given in confidence to the municipal commissioners will be released by the provincial Ombudsman. This is not an acceptable outcome. It’s inappropriate, and that should be changed.

Finally, rather than diminish the integrity commissioner, why not consider enhancing it? It’s actually interesting that in these years since 2006, there has been the growth of a network of integrity commissioners. The Mississauga inquiry report, by Commissioner Cunningham, called for changes which would enhance the commissioner systems, such as statutory indemnity, and, as well, harmonizing the Municipal Conflict of Interest Act with the integrity commissioner and code systems. That issue is the major issue at the municipal level for people out there. The reality is, extending the Ombudsman’s jurisdiction won’t do anything about that. Thanks very much.

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The Chair (Mr. Grant Crack): Thank you very much. You had four seconds left. I appreciate that.

We’ll start with the government side: Mr. Ballard.

Mr. Chris Ballard: Thank you very much for coming forward with your presentation. You’ve made some very interesting points that I know we’ve taken note of. I am particularly fond of integrity commissioners. The town

that I was a municipal councillor in, the town of Aurora, once had one and then got rid of the gentleman, for a variety of reasons—well, he actually resigned. We didn’t get rid of him. He saw what was coming.

It leads me to one of the issues I have for those communities that claim not to have the resources in order to hire an integrity commissioner. Isn’t the oversight provided by the Ombudsman a good thing?

Mr. Greg Levine: Some oversight would be. But it is interesting that you wouldn’t go to—if you wanted provincial oversight, why wouldn’t you go to subject matter experts? You have a provincial integrity commissioner; why would you give that role to the Ombudsman when you have a subject matter expert in the integrity commissioner? Why wouldn’t you give that to the provincial officer instead of letting the Ombudsman re-create the wheel around this stuff, which you already have expertise in, both municipally and provincially?

Mr. Chris Ballard: Yes. Okay. Thank you for that. I know that we’ve had at least two mayors come forward, from Niagara Falls and the former mayor of Windsor, who both stepped forward and said that they’re looking forward to and would welcome provincial Ombudsman oversight of their municipalities, so I was just—

Mr. Greg Levine: Oh, sorry, but we aren’t arguing against oversight over the administration generally. That’s not the point we’re making. We’re not saying to oust the Ombudsman entirely. We’re making a point about accountability officers and integrity commissioners specifically.

Mr. Chris Ballard: I guess the last question—and we can look at these details to maybe clarify in my own mind, but my reading of the legislation that we have in front of us looks to the fact that the local process, the investigating officers, integrity commissioner, whatever, finish their work first before the Ombudsman’s office could possibly get involved.

Mr. Greg Levine: But that only specifies—(4.2), as it’s written, only specifies municipal ombudsmen. It does not mention the other officers, and so it does not defer—

Mr. Chris Ballard: So, you’re looking for clarification on all of the other investigative authorities as well.

Mr. Greg Levine: Yes, absolutely.

Mr. Chris Ballard: Okay. That’s good to know. Just as an aside, because I have been very—and I argued strenuously when I was on Aurora town council for the need for integrity commissioners, and I’m glad to see the association, quite frankly—that there is one. Does your group do any certification, any training for other municipalities who may be looking to hire someone, that they can point to a code of conduct they sign or a certificate they have?

Mr. Greg Levine: We don’t have a formal training program, but each of the commissioners does training. I have been contacted by municipalities and have given them lists of our members. We will make ourselves available, certainly.

Mr. Chris Ballard: Thank you very much.

The Chair (Mr. Grant Crack): Thank you very much. I appreciate it. We'll move to Ms. Fife, from the NDP.

Ms. Catherine Fife: Thank you very much for your presentation today. I'm glad that you clarified the direction or the support for a provincial Ombudsman, because I think that point may have been a little bit lost, so I'm glad you clarified that.

I find it interesting, though, that you are both former integrity commissioners.

Mr. Greg Levine: No, we are both current integrity commissioners.

Ms. Catherine Fife: You're both current, because I think my notes have that there are a few dozen municipal integrity commissioners. So you have a provincial association.

Mr. Greg Levine: We are in the process of forming one. We have met for the last four years as a group. We meet twice a year. We talk about issues, and we do—which goes to part of that last question—do a lot of training of ourselves.

Ms. Catherine Fife: For yourselves?

Mr. Greg Levine: Yes, and we offer training to others.

Ms. Catherine Fife: As integrity commissioners, though, you are paid by the municipality. You're an employee of the municipality for which you oversee integrity?

Mr. Greg Levine: Be careful about "employee"—

Ms. Catherine Fife: I don't need to be careful; I just mean—

Mr. Greg Levine: No, but that word—

Ms. Catherine Fife: You're an independent—sorry. Let me finish.

Mr. Greg Levine: Sure.

Ms. Catherine Fife: No, no. I'm just trying to figure out who pays you.

Mr. Harold Elston: The municipality pays us, but we are independent of them, and that's always made very clear.

Ms. Catherine Fife: But you report to the council—

Mr. Harold Elston: To the council.

Ms. Catherine Fife: —and not to anybody in the administrative side of things. Okay.

Also, Greg, you mentioned some of the key issues you face, which would be conflict of interest. You identify that as a key issue that you, as an integrity commissioner, face on a day-to-day basis. I know that the current Municipal Conflict of Interest Act solely deals with pecuniary interests. Is that right? Have you ever found yourself, as an integrity commissioner, in the untenable place of being critical of the people you report to and the people who hire you or who are paying your salary?

Mr. Greg Levine: Not really.

Ms. Catherine Fife: Not really?

Mr. Greg Levine: No.

Ms. Catherine Fife: That's never come up?

Mr. Greg Levine: Actually, no. I can't even think of an oblique way that that's come up. Never directly or—

Ms. Catherine Fife: That's really good to know.

I think it's interesting that the Toronto ombudsman came here on Monday to make the case that the provincial Ombudsman would be duplication—

Mr. Greg Levine: Right.

Ms. Catherine Fife: —but you're not here making that case. You're not saying that the provincial Ombudsman is a duplication of the kind of work you do as an integrity commissioner.

Mr. Greg Levine: Actually, I think we did make that case. If the Ombudsman has jurisdiction over issues that we deal with, then there will be duplication. That is the case we're making. That's part of it; it's not the only part. That's why we think there shouldn't be oversight of the accountability officers. There will be duplication. That's a problem.

The Chair (Mr. Grant Crack): Thank you very much. We really appreciate you coming before committee.

Mr. Harold Elston: Thank you very much for the opportunity.

CITY OF TORONTO

The Chair (Mr. Grant Crack): I would like to call upon Ms. Shelley Carroll, councillor for the city of Toronto. Welcome. You have five minutes.

Ms. Shelley Carroll: We should get extra for having to say "ombudsman" 70 times in this deputation.

Good afternoon, Mr. Chair and members of the committee. Thank you for providing the time for the city of Toronto.

We find the goal of Bill 8 to be a very positive ambition. However, the benefit of applying its requirements to Toronto, already subject to the City of Toronto Act accountability offices, is not clear to us.

In compliance with provincial legislation, Toronto already has a robust accountability model, including an ombudsman, integrity commissioner, lobbyist registrar, AG and open meeting investigator. As a result of your requirements, Toronto is considered internationally to be a municipal best practice model for accountability and open government. These offices function very effectively and have done so for years. The credibility of our accountability framework, therefore, would be undermined if Bill 8 was enacted in its current form.

Toronto is the only municipality in Ontario that is required by provincial law to appoint an ombudsman, and we met that obligation in 2008 and immediately established a framework. The operating framework for Toronto's ombudsman is in line with that found in most Canadian, Australian and British parliamentary jurisdictions, including the framework for your own Ontario Ombudsman.

One of the universal principles of an independent ombudsman is that the findings will not be reviewed or quashed. That's a principle. This principle affords an ombudsman the ability to arrive at his or her views and conclusions independently and report them to the legisla-

tive body without interference. The City of Toronto Act reinforces this principle by providing that the proceedings of our ombudsman may only be challenged for lack of jurisdiction. The government that is responsible for the services, and the government that appoints the ombudsman, should be accountable for the findings of that ombudsman's investigation, including directing the changes and implementing the changes to those services they are responsible for.

The proposed legislative amendments to Bill 8 could result in two investigations, once by the Toronto ombudsman or open meeting investigator, and then again if the matter is reviewed by the Ontario Ombudsman. The jurisdiction of that second investigation is now unclear. Who is ultimately accountable for the second set of recommendations? More importantly, who pays for their implementation?

The City of Toronto Act ombudsman, with an independent reporting relationship to Canada's sixth-largest government, is in a better position to evaluate complaints about city administration and prioritize those investigations on behalf of nearly 2.8 million residents. Having two ombudsmen is duplicative and confusing to that public.

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Like the province, the city of Toronto has invested resources in community outreach to ensure that all citizens know they have an ombudsman at their disposal in their city. And despite headline-grabbing open debates, city council has adopted and directed the implementation of all the Toronto ombudsman's 96 recommendations to date.

The quality of the investigations has vastly improved as the Toronto public service staff developed a respect over time for the authority of the independent accountability offices. As a result, the recommendations of our ombudsman in particular have become more effective and more impactful over the last five years.

City council is opposed to amendments that will require council to meet in closed session where the subject matter being considered is an ongoing investigation by either the Toronto or Ontario ombudsman. Unlike the previous deputation, we feel that we want to maintain our Toronto city council tradition of deliberating in public when we have an ombudsman report before us.

The city of Toronto, therefore, recommends that Bill 8 be amended to extend the mandate of the Ontario Ombudsman only to Ontario municipalities that have not appointed a municipal ombudsman under the legislative framework provided.

The city of Toronto also recommends an amendment to provide that a meeting of council or a local board or corporation "may" rather than "must" be closed when deliberating an investigation. This is consistent with legislative open meeting requirements for most other matters.

We thank you very much for your consideration of our concerns, and we're prepared to take questions.

The Chair (Mr. Grant Crack): Thank you, Councillor Carroll. We appreciate your being here. We will begin with the NDP.

Ms. Catherine Fife: Thank you very much, Councillor Carroll, for coming in. You heard the previous delegation around integrity commissioners—

Ms. Shelley Carroll: I did.

Ms. Catherine Fife:—so this is an interesting point, because there are now actually a number of municipalities that are trying to appoint integrity commissioners very quickly because they want to have a very local sort of perspective. As I mentioned, the Toronto ombudsman was here on Monday and made a compelling case for the work she is doing, particularly around the Toronto Community Housing Corp.

I just had a couple of questions of clarification for you. Were you on council when the city of Toronto decided to go with an ombudsman versus an integrity commissioner?

Ms. Shelley Carroll: We didn't decide to go with one. The province, with the creation of the City of Toronto Act, required us to have an ombudsman. At that time, we appointed one. Having been elected in 2003, I have functioned in a city government without and with a suite of accountability offices, and in fact was part of hiring our current ombudsman and integrity commission.

Ms. Catherine Fife: Any comment, then, on the pre- and post-sort of experience as a councillor?

Ms. Shelley Carroll: We find they're very highly effective, and I think it sometimes goes unnoticed to the public. We're not a party government, and so there's no whip. We have big, open debates and make our sausage in public and treat every report as a smoking gun. Then, when we're done, we unanimously adopt the recommendations and direct our staff to do them, and we have a good track record of having them done.

Ms. Catherine Fife: I think that most of us, given your history in the city, would have an appreciation of a unanimous endorsement of a recommendation from the ombudsman.

One other question: Does your Toronto ombudsman currently have the power to investigate municipal closed-door meetings?

Ms. Shelley Carroll: No. Our structure is that we have an integrity commissioner. The integrity commissioner works in concert with an open-meeting investigator, and we have a very distinct definition for each. The ombudsman is there for the citizens, and works on citizen complaints about the public service. The integrity commissioner and the open-meeting investigator have all matters referred to them that deal more directly with those governance issues. It's only occasionally that the ombudsman, in her findings, has to really implement governance. That's more of an issue with the integrity commissioner.

Ms. Catherine Fife: So just to summarize, you're asking the government for an exemption for the city of Toronto, given the fact that you have an established Toronto internal ombudsman?

Ms. Shelley Carroll: We think our position is unique. The reason we're asking for it for Toronto alone—and it's up to the government how they want to address

this—is that currently we’re the only municipality whose accountability office, in particular the ombudsman, is established under your own legislative framework. That’s why we’re asking for the different approach.

Ms. Catherine Fife: Okay. So the province appointed your city ombudsman, and now they’re also going to appoint—

Ms. Shelley Carroll: We were ordered to appoint.

Ms. Catherine Fife: You were ordered to.

Ms. Shelley Carroll: Yes.

Ms. Catherine Fife: I just wanted that on the record.

The Chair (Mr. Grant Crack): Thank you very much. We will move to the government. Mr. Ballard.

Mr. Chris Ballard: Thank you very much, Councillor Carroll, for coming in and representing Canada’s sixth-largest city.

Mr. Mike Colle: Government.

Mr. Chris Ballard: Government.

Mr. Yvan Baker: It’s the biggest city.

Mr. Chris Ballard: Yes, the largest city.

Ms. Shelley Carroll: We are larger than Montreal by the size of Vancouver.

Mr. Chris Ballard: I stand corrected.

Mr. Mike Colle: Welcome to Toronto.

Interjections.

Mr. Chris Ballard: You’ve thrown me right off now, you know. Or I threw myself right off.

I know that the government respects the jurisdiction of the Toronto ombudsman and Toronto city council. Fiona Crean was in, and she has done excellent work to improve the quality of public service for all Torontonians.

I guess the question I would have for you is: Looking at the role of the provincial Ombudsman, they have an opportunity to investigate systemic issues across the province, and perhaps your suggestion would remove them from being able to investigate or look at what was happening in the city of Toronto while they were examining those issues across the rest of the province. I’m just wondering, from your perspective, how that would serve Toronto residents.

Ms. Shelley Carroll: Well, here’s the thing: We’re not really here defending a particular ombudsman, and specifically not Fiona Crean. We’re really here defending the City of Toronto Act. The province made a decision back in 2005 to develop the City of Toronto Act and put us under unique legislation given our unique situation. So we have very strict legislative principles that we have to abide by, according to any provincial government going forward.

While we understand the need for an ombudsman to look across the country for systemic things that may affect the Municipal Act, for instance, or even the Municipal Elections Act—he may go looking at those things—we have a relationship with the provincial government that makes it possible that, should his findings mean that a discussion has to happen, table to table and one on one with the city of Toronto so that we’re all in line, there is language in the Municipal Act that allows us to address

the issue of there being a Municipal Act and a City of Toronto Act.

There is a governance mechanism by which you can apply findings to all municipalities that would be good for all municipalities. We’re just asking for the mature government relationship in the City of Toronto Act to be upheld, so that our ombudsman, who exists under a very similar legislative framework to your own, is truly by definition an ombudsman who is not the court of penultimate resort, but the court of last resort.

The Chair (Mr. Grant Crack): Okay. Thank you very much. We appreciate that. Ms. Martow.

Mrs. Gila Martow: Thank you so much for coming. I’m just wondering how you feel about social media and how that affects the mandate for an ombudsman these days. I just feel that so much has changed in terms of how things are dealt with—so often now we see councillors, municipal representatives, provincial representatives and ombudsmen hashing it out in the public forum on social media—and whether you feel that that sort of reflects what you’re advocating for; if that creates more of a need.

Ms. Shelley Carroll: Well, certainly there is a need in every governance structure for a policy regarding social media—how we govern ourselves in social media—in particular in municipalities where there is no real party firewall, no party whip to make sure that people are abiding by those types of guidelines. An integrity commissioner addresses those things.

In the case of the city of Toronto, our integrity commissioner had to look at an election four years down the road. She made loose recommendations last time. In 2014, with all 44 councillors active in social media, she had to make some much more defined policy.

There should be policy for accountability officers, but the good news is that we went looking to see if they’re actually looking at it themselves, and they are. There are international societies of integrity commissioners, auditors and ombudsmen, and in all of those the usage of social media is now being discussed, because every government asks them to do their own independent outreach, and you can’t ignore that one of the ways you access it is through social media.

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But how, then, do you conduct yourselves? In the interest of respecting their need to be independent, I think what we all need to do—every order of government—should be to closely monitor what those international societies are coming up with in the way of their own self-governing college form of policy around their own use of social media for outreach.

Mrs. Gila Martow: I think, speaking of colleges, that maybe it’s time for university programs and diplomas, in terms of integrity, being an ombudsman—maybe it has to be a university course. That gives us something to think about.

Ms. Shelley Carroll: I think law school is a pretty stiff education, and all of our integrity commissioners have been respected lawyers.

Mrs. Gila Martow: Yes, but I'm just saying in terms of special social media use and all that type of stuff.

Ms. Shelley Carroll: Agreed.

The Chair (Mr. Grant Crack): Thank you very much. I really appreciate you coming forward, Councillor Carroll.

Ms. Shelley Carroll: Thank you.

ONTARIO PUBLIC SCHOOL BOARDS' ASSOCIATION

The Chair (Mr. Grant Crack): Up next is the Ontario Public School Boards' Association: the president, Mr. Barrett; and the president of the Ontario Catholic School Trustees' Association, Ms. Burtnyk. Welcome.

Mr. Michael Barrett: Thank you. Good afternoon. My name is Michael Barrett. I'm president of the Ontario Public School Boards' Association. Joining me today is Kathy Burtnyk, who is president of the Ontario Catholic School Trustees' Association. Indeed, we welcome this opportunity to be able to comment on Bill 8. This afternoon we'll focus mainly on the key points that address issues in schedule 1 and schedule 9.

The bill's title refers to accountability and transparency. These are certainly two values that school boards and their elected trustees strive to ensure on a daily basis and our governance models are built around them. School boards are the most regulated entities in Canada, reporting regularly and in great detail to the government.

Financial reports are made three times a year, in addition to multiple reports with regard to students, employees and board improvement planning. The business of a school board is largely conducted in public and posted on board websites for communities and individuals to see.

In schedule 1, the bill aims to establish compensation frameworks for a lengthy list of public sector employers including Ornge and Metrolinx, to name a few, as well as the executives at school boards. It would give the government the power to directly control executive pay, including the option to set sector-specific hard caps. We have strong concerns about the inclusion of compensation frameworks for school board directors of education and supervisory officers. We do not believe the compensation structure for these positions fairly compares with CEOs and senior executives at the other organizations identified in this schedule.

Considering the scope of work and span of responsibility that comes with their positions, the compensation reflects the lower end of market value. These are salaries that do not need to be reined in in the context of legislation which is otherwise directed at a small grouping of highly compensated executives. The inclusion of school boards sends a skewed message.

Let me focus on the impact for school boards trying to run an effective school system. School boards need the ability to attract and retain the best leaders and educators for our students. Succession planning is a serious challenge for us. This bill allows no incentive for succession

planning and has the capacity to wreak havoc on internal equity in compensation structures. It is possible that employees who collectively bargain could receive higher compensation in their current position than the person or level above them to whom they report. This simply does not make any sense, nor would it be acceptable in most workplaces. School boards should not be considered in this grouping of public sector organizations.

If there are to be compensation frameworks for our sector, they need to be developed through consultation and based on labour market research, as well as considerations of internal equity. Any framework must reflect the quality of the education sector.

Under schedule 9, the proposed bill would give the Ombudsman the power to investigate school board decisions, triggered either by an individual complaint or by the Ombudsman himself.

In the education sector we have provisions already for review of decisions, most of which involve third parties. We have internal standard reviews, objections, appeals, hearings and tribunals covering a wide range of possible disagreements in the areas of special education, suspensions, expulsions, human rights violations, privacy violations, school closings and so on.

This is not true, to this extent, of other sectors that the Ombudsman oversees. We would add that many complaints that school boards receive from parents and community involve matters already legislated by the Ministry of Education or are restricted because of the ministry's funding. The Ministry of Education would have to also be included as a member to these complaints.

The bill allows for a thoroughly reviewed complaint to be brought forward to the Ombudsman, requiring a school board to undergo yet another layer of investigation and administrative process, with the delays, uncertainty and costs that this would entail.

Based on real experience, we have strong concerns that legitimate and necessary school board processes will be undermined and even taken advantage of by those seeking to generate attention, including media attention, for their own purposes.

A Liberal minister, in the House, during second reading debate, said, "The proposed act would give the Ombudsman the authority to investigate complaints about school boards. This would give parents and members of the public the option to direct their complaints to the Ombudsman, if they're not satisfied with a school board decision."

"Not satisfied" covers an awfully broad spectrum of personal perspectives that can be at odds with the reasonable exercise of one's rights. It is, in fact, unclear to us what the problems are that this proposed legislation aims to resolve, and we would caution that the proposed solution has the potential to create even greater issues for government.

We maintain it is unnecessary to extend the purview of the Ombudsman to school boards. Adding yet another unnecessary layer of review is not a reasonable act of good public policy or prudent use of the taxpayers' money.

We emphasize that school boards are willing partners in advocacy for transparency and accountability. We need the ability to act responsibly in the exercise of local governance. This includes having the mechanisms to implement effective hiring of staff and recognition of proven processes that work for students, parents and communities. We have to remember that trustees are of the community, by the community and for the community, and therefore take their responsibilities seriously. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, sir. We will start with the government side: Mr. Baker.

Mr. Yvan Baker: Thanks so much for coming in. I appreciate it. I'd like to make a couple of points, if I can, and then ask you a question, if that works.

First of all, I come from the private sector. I'm a consultant to companies who are hiring executives and remunerating executives. I certainly understand the need to manage money wisely and at the same time attract good talent. I think that's exactly what we're trying to achieve through this legislation.

The idea here is, first of all—the legislation actually allows us to collect the information so we are now aware of what folks in the public sector are making, and then we can impose frameworks, caps or whatever the case may be that would allow us to control that compensation. So we're doing it in a way where we are obtaining information and then consulting with various sectors to make sure that we identify what those caps should be so that they're sensitive to the issue that you've raised, which is making sure that we're attracting the right people. We have got a commitment to balance the budget by 2017-18, and this is one of the measures that can help us do that.

But again, this is really designed to be a responsible approach, where we gather the information, so we address the issue you're concerned about, but we also put in place reasonable frameworks that are sector-specific.

The other thing I would say about Ombudsman oversight is that every parent deserves the right to have access to an ombudsman and that level of oversight. It would allow the school boards to undertake their own reviews before the Ombudsman would get involved. So you wouldn't see the Ontario Ombudsman being involved until the local school board had finished their investigation.

This provides an added layer of oversight. My question to you would be: Do you not think this approach is much more sound than the approach that has been proposed by the NDP, which is a hard cap across the board?

Mr. Michael Barrett: First of all, there were a couple of things within your preamble that I'd just like to be able to comment on. You used two words that concerned me a little bit: "impose" and "control." I think that's exactly what we are talking about. We have certainly seen an imposition and controlling of directors' salaries so that we are in a position today that is very difficult to be able to have people stand up in leadership roles.

I, too, am from the private sector. I have 900 employees in the province of Ontario. This is certainly not a methodology by which we would be going about to be able to determine what fair and adequate compensation is.

We are having grave difficulty today having people—directors or superintendents—stand up and take a leadership position when the gap is so small for the additional responsibilities, and the concept of having two bosses—because they are employees of us and they're also employees of the Ministry of Education as well.

If we're looking at, and not getting into the politics of, what suggestion is right with regard to the Ombudsman piece, I would say that this act certainly has a framework in it that is holding school boards and anyone else who is included under this act to a greater level of control and supervision that they are not in the other cases.

For example, in this legislation you don't have to be able to actually conclude your investigation. You could actually tell us that you are concerned about something and announce it to the public on Tuesday. That is not the concept that we would like to be able to operate under.

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I'm an ombudsman. I'm a trustee. I'm publicly elected. I get a performance review every four years. The concept of being able to have yet another level of government come in to be able to determine whether it's right or not—you will be inundated with decisions that the school board makes in good, defined, well-thought-out processes. Because a parent doesn't like it, you will be inundated with the number of complaints that will come forward from the public. I—

The Chair (Mr. Grant Crack): Thank you.

Mr. Michael Barrett: Oops. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Appreciate it.

Mr. Michael Barrett: I used up your whole three minutes. I apologize.

The Chair (Mr. Grant Crack): It was almost four, so I apologize.

Go ahead, Mrs. Martow.

Mrs. Gila Martow: I think that the concern that I would want to raise—and I want to thank you both for coming in—is that, as a parent of four kids, I think we all want to see our education tax dollars going to the classroom as much as possible. We all understand that it's not possible to put every penny in the classroom, that we have administration costs associated with the entire education system in the province. Now, I don't see that this is going to be giving value to the parents and the taxpayers, who are all sort of involved in the raising of the kids in the province.

That's what I would want you to sort of clarify for us. Do you see this as taking valuable education dollars—whether it comes from the education budget or not, it's tax dollars that could have gone to the education budget. Is this taking valuable education dollars and putting them towards another bureaucracy, another level of administration, ballooning the administrative costs, and again,

money that would have been better spent in the classrooms?

Mr. Michael Barrett: I appreciate the question. Certainly, myself, I'm a father of six, so—

Mrs. Gila Martow: You win.

Mr. Michael Barrett: I win. Between us, we've almost got a dozen—different spouses.

With regard to the classroom dollars—and probably, as you are very, very well aware, a great deal of the money that is given to school boards is indeed already enveloped. So what we do see is a very tightly controlled budget process that really determines where the dollars are spent at the school board level. With salaries and other programs, you're probably talking in the upper 90%, where there's not a lot of great flexibility for a school board to be able to spend those dollars.

Therefore, the concept of being able to add additional oversight responsibilities—and I recognize and certainly appreciate the need to be able to balance the budget. As a businessman, I understand that myself. But to be able to think about being able to take additional dollars and utilize them outside of the classroom in providing an oversight responsibility that we indeed already have is not something that we would support.

Mrs. Gila Martow: I think that in the age of cyber-bullying and, I brought it up before, social media, I would prefer to see the money spent—and maybe the trustees have to be involved in the program and school administrators have to be involved in the program—on a program that involves the kids in the school system which is focused on the vast world of social media, cyber-bullying, websites and all of that, a program that sort of brings us all together in the province, rather than another venue for complaints and another layer of bureaucracy. I'm just sort of throwing it out there at you in terms of: Let's put the focus on the classroom.

We're done?

The Chair (Mr. Grant Crack): Yes.

Mrs. Gila Martow: That's fine. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. I appreciate it.

Ms. Fife.

Ms. Catherine Fife: Thank you very much. You will know, of course, that both the PCs and the Liberals supported this bill. The New Democrats did not, for a whole host of reasons, mainly to do with a lack of transparency and a lack of accountability.

Having sat exactly where you're sitting right now—and that's a little weird right now—I do want to focus specifically on the attention that the bill focuses on salaries of executive compensation in the education sector. We did have a delegate come here on Monday, and I said to him, "Are you not concerned with the \$1.7-million salaries in the power sector or the \$1.3 million in health care? The executive director of Sunnybrook makes \$780,000." I said, "Why the focus on education?" Essentially, I think his answer was, "Well, because that's easy."

So you've come here today; you've made some compelling points around competitiveness within the education sector and the challenges that directors are facing, especially with the increase in the centralized power of the Liberal government. That is politics at play there—

Mr. Michael Barrett: I heard about it.

Ms. Catherine Fife:—so you don't need to address it. I know you heard it, Michael. How have you come to determine what is fair executive compensation in the education sector?

Mr. Michael Barrett: I think that's a fair question. Certainly, again, with the background of myself in business—and I'm an HR individual; that's where I've come from, so I've been dealing with compensation for the last 30 years—I understand that this is a process on being able to determine what indeed is fair compensation. To the earlier question about trying to be able to ascertain that, it is a very important process.

But to back up two steps quickly, as a taxpayer and as an individual, I would have grave concerns over the executive compensation. But we are, I think, taking a two-by-four to be able to address an issue, and I think it needs to be focused. We do have salary surveys, being able to understand the scope, being able to develop a framework for fair compensation. I have done that in my own board in order to be able to ascertain what my director—when I had the responsibility to be able to actually set a salary. But we have not been able to set a salary now for a few years—

Ms. Catherine Fife: As a trustee, you're—

Mr. Michael Barrett: As a trustee, correct. So therefore, we are getting to that point that X is going to meet Y, and we're going to experience a leadership crisis here in the province in education.

Ms. Catherine Fife: Yes, I think X and Y hit the rubber on the road in the Toronto board.

I do want to just share my support for your comment in your deputation where you say that any sort of complaints going forward would have to involve the Ministry of Education, because, as you accurately point out, any complaints around funding and service levels of delivery, if you will, especially on the spec ed file, are very much connected to the lack of funding on the spec ed. So we'll put forward this amendment to have the Ministry of Education be part of any review going forward, if the Ombudsman does in fact find themselves in a position of reviewing a school board decision. I think that's a very fair point to make.

The Chair (Mr. Grant Crack): Thank you very much. Sorry.

Ms. Catherine Fife: There you go. Three minutes.

The Chair (Mr. Grant Crack): I really appreciate you coming before committee this afternoon. Thank you.

Mr. Michael Barrett: Thank you very much.

ONTARIO COALITION FOR ACCOUNTABILITY

The Chair (Mr. Grant Crack): I believe we have, by teleconference, Mr. Neil Haskett. He is a member of the

Ontario Coalition for Accountability. Mr. Haskett, are you there?

Mr. Neil Haskett: I am, sir.

The Chair (Mr. Grant Crack): Welcome, sir. Whereabouts are you?

Mr. Neil Haskett: We're in Sudbury, Ontario.

The Chair (Mr. Grant Crack): Sudbury. Thank you for being with us this afternoon. You have five minutes for your presentation. The members of the committee are here listening diligently, and we will have questions for you following.

Mr. Neil Haskett: Thank you. Good afternoon. My name is Neil Haskett. I am a co-founder of the Ontario Coalition for Accountability. Our mandate is to assist people in Ontario regarding issues with the entire MUSH sector. Our focus today will be Ontario's children's aid societies.

We also run the world's largest child welfare reform site on social media. It is the largest site of its kind and is specific to Ontario. We're also the group that created the email campaigns that resulted in tens of thousands of requests for meetings and demands of Ontarians' MPPs to support the Ombudsman bills in the past for the entire MUSH sector. We also organized all the rallies at the conventions, as well as hundreds more across the province.

You've already heard from slick, well-polished lobby groups, such as the OACAS, who have used millions in taxes to protect CAS from being held to account. In short, Ontario's child welfare system is a disaster, which is the reason why we've been fighting an uphill battle since 2006. It's frustrating knowing the only path to justice has been obstructed by only one political party, who, until recently, has prevented any other such accountability bills that would have allowed oversight over the entire MUSH sector, and children's aid, specifically, because, and I quote, "We already have layer upon layer upon layer of accountability, and we don't need more." Well, I'd like to ask: What's changed in the last year?

Nobody knows what's really happening in these institutions. We urge you to listen to the people who have voted for you and take action for innocent families and kids in and out of care, and these people who are calling today and on Monday, who may have been victims of these institutions. You're going to have to decide who you are representing and who you want to help. With a population of just over 13 million people, Ontario's child welfare system is the most problematic, the least accountable and—no surprise—privatized. As it stands, there is no way we can support Bill 8, but with the following amendments, we believe that we could support this bill.

We ask that you allow unrestricted access by the Ombudsman to investigate complaints for the entire MUSH sector, as well as for parents and kids in care with the children's aid societies. Give the child advocate unrestricted access to kids in care. By that, we mean physically check on the children on a regular basis to ensure that the child is adequately cared for and their

basic needs are being met, such as shelter, food, clothes, a place to sleep and a safe place to live. We don't need any more Jeffrey Baldwins.

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We ask that you also include whistle-blower protection so past and present employees of these institutions can come out without fear of reprisal or lawsuits.

We need significant improvements to freedom-of-information requests to include the individuals of these institutions, not just ministries.

We have to have statistics published annually, open to the public to read, regarding the children in care, such as harm, neglect, sexual or physical abuse while in care.

The CFSRB is inadequate as it stands. The child advocate and the Auditor General need even stronger powers to be able to do audits on a regular basis, not just random.

We need to allow the recording of workers, and whenever there's a problem that arises, the worker should also be allowed to record, and to stop punishing those who are trying to protect themselves. As it stands, various societies in Ontario are seeking court orders preventing parents from protecting themselves and recording what's happening. This isn't right. I'll tell you right now, when an innocent family loses access to their child because they're being maliciously targeted for funding, such as we saw with Peel, we need to take action. When these families are being attacked and they are recording these workers, what do they have to hide where they have to actually seek a court order to prevent these parents from using those recordings or proving that they're innocent?

The adoption process has to be deprivatized. There are well-known charities that know what's going on and they're uninterested in trying to resolve these issues with the children's aid societies and how they're obtaining the children.

Under the Child and Family Services Act, the children's aid society and the Family Court require no physical proof or evidence, and this needs to change. We need huge amendments made to the Child and Family Services Act. We know the five-year review is going on right now and we want all recommendations to be considered and, preferably, implemented.

We want to follow all other provinces and territories and deprivatize the children's aid societies. If the Ombudsman is allowed to come into the children's aid societies and the rest of the institutions, we ask that the government implement all recommendations quickly. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Haskett. We will start with the members of the opposition. Ms. Martow.

Mrs. Gila Martow: Hi. Thank you very much for taking the time out of, I am sure, what's a busy day. I just wanted some clarification that you would support, with the amendments, this bill.

Mr. Neil Haskett: Absolutely—but only with allowing the Ombudsman to help the families as well.

Mrs. Gila Martow: Okay, to help the families, as well as the families whose kids are put in foster care.

Mr. Neil Haskett: Well, not just foster care, but when there's a complaint that arises with a children's aid society, or any of these other institutions, the Ombudsman needs to be allowed access, if nothing else was being resolved. There needs to be a third party. We can't allow them to regulate themselves. There have been just too many problems in the past. Sometimes they resolve these issues on their own, but when they don't, we need somebody else to come in and make sure it does get—

Mrs. Gila Martow: Okay, this—

Mr. Neil Haskett: —that it at least identifies systemic problems and be able to resolve them as well.

Mrs. Gila Martow: Okay, so you feel the families need an advocate.

Mr. Neil Haskett: Absolutely, preferably the Ombudsman. We need it to be an independent entity. We can't allow any more self-regulation or allow the board to oversee themselves.

Mrs. Gila Martow: Okay, Thank you very much.

Mr. Neil Haskett: You're welcome.

The Chair (Mr. Grant Crack): Thank you. Ms. Fife.

Ms. Catherine Fife: Thank you very much, Mr. Haskett, for calling in. And thank you for the support for full oversight of the Ombudsman over the entire MUSH sector.

My question for you is: What do you think the significance is of the Ombudsman receiving oversight over only municipalities, universities and schools, and not the hospital sector, which is one of the largest budget items in the province of Ontario?

Mr. Neil Haskett: We already know: They already regulate themselves. My wife actually works in a hospital. We know, more often than not, that these institutions do well, but when they do a mistake, they don't seem to regulate themselves as they should. We know that with the Ombudsman being independent of the hospital, it's not going to be somebody on their payroll or somebody who's working with them. We just want to make sure that it's an independent investigation.

Ms. Catherine Fife: Okay, thank you. Also, I do appreciate you calling in and asking this government to also have full Ombudsman oversight in support of what the provincial advocate has put forward. As you know, we're supportive of the provincial advocate and all of his recommendations for making amendments to this bill.

Just a quick comment, if you could, around—we would like to see the barriers removed to investigations that certainly only fall now within investigating licensed residential placements. We know that a lot of First Nations, Métis and Inuit children are placed in care outside of the licensed care options. Do you think this is a valid concern that we have for First Nations, Métis and Inuit children?

Mr. Neil Haskett: If there isn't one group that's had the most problems with child welfare, whether it was residential schools, the Sixties Scoop, or now children's aid—of all the groups across Canada that have been targeted the most, I feel that they probably have the biggest problems, and we definitely need to prevent

what's happened to them from ever happening to anybody else again. I can't think of anything that would be better to come in and start making these sweeping changes than the Ombudsman and a government that's willing to help.

Ms. Catherine Fife: I agree. Thank you very much, Mr. Haskett.

Mr. Neil Haskett: You're welcome.

The Chair (Mr. Grant Crack): Thank you. We'll move to the government. Mr. Baker.

Mr. Yvan Baker: Thank you very much for dialing in. I really appreciate it.

I know you've talked about the important role that the Ontario Ombudsman plays and, of course, as you are aware, through this bill we've expanded the mandate of the Ontario Ombudsman. We've also expanded the mandate of the Provincial Advocate for Children and Youth. The proposed amendments here would give the advocate the investigative power for matters related to the services provided by children's aid societies and certain residential licensees where a children's aid society is the placing agency.

From our perspective, we believe that the Provincial Advocate for Children and Youth is well positioned to provide this additional oversight. When you think about the specialized focus and expertise and experience that that individual brings, that's something that can ensure that the necessary attention that these cases and these concerns deserve is given to those cases and concerns.

The Ministry of Children and Youth Services consulted heavily with the provincial advocate before the introduction of this bill—I believe for the better part of last year—and afterwards on any amendments or concerns his office might have had. I understand that the Ministry of Children and Youth Services has offered to brief you on their response to your amendments, if that would be of benefit as well.

My question to you, really, is around what your thoughts are on—what's happened in this bill is, we've expanded the mandate of the advocate in terms of investigative powers for matters related to the children's aid societies. Given your experience and knowledge, what do you think are the benefits of those additional investigative powers?

Mr. Neil Haskett: We do think that increasing the child advocate act to allow stronger investigations *[inaudible]* in care and out of care. The advocate does a great job, but their powers need to be expanded greatly to include—you know, I don't believe that they should be burdened with the investigation of complaints themselves, but if they do receive complaints, they do need to have the power to go in there and help the kids in care, but we cannot forget about the parents as well. The families or the workers who have problems with the society, who are seeing systemic problems that keep creeping back in—we need to make sure that everybody has enough power to investigate all the complaints.

I believe the advocate will do a good job, but as it stands, his powers aren't strong enough and we do need

the Ombudsman as well to come in for the families. We can't forget the families. We're going to be leaving somebody behind here with just the advocate, and I don't think that's right. I also believe that the advocate should be able to work closely with the families as well, but again, we need the Ombudsman to come in and investigate the societies themselves.

Mr. Yvan Baker: Okay. Thank you very much.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Baker, and thank you, Mr. Haskett, for joining us from Sudbury. How's the weather up there?

Mr. Neil Haskett: We could use some better weather, if you've got any.

The Chair (Mr. Grant Crack): It's not so bad here in Toronto. Thank you again for joining us. We really appreciate it. Have a good afternoon.

Mr. Neil Haskett: Thank you, and please consider all these recommendations.

The Chair (Mr. Grant Crack): Thank you, sir.

Mr. Neil Haskett: Bye-bye.

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OFFICE OF THE PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH

The Chair (Mr. Grant Crack): We'll move to the Office of the Provincial Advocate for Children and Youth. I believe we have Mr. Elman, who is the Provincial Advocate for Children and Youth, and Ms. Cooke, who is director of advocacy services. Welcome to both of you. You have five minutes, sir.

Mr. Irwin Elman: Yes. Thank you for the opportunity to speak to you. I want to say that while I welcome the new proposed powers under Bill 8, we have a comprehensive written submission for you. It speaks in detail about how to improve Bill 8 as it stands with regard to my office and the children that I serve. It speaks in detail as to how Bill 8 can be changed to better serve those children and youth in this province. In a way it speaks to your head, and I want to speak to your heart this afternoon. We'll be present at the line-by-line consideration, so that we can be helpful to the committee, if you want, in terms of how to better serve children through this act.

Children and youth in my mandate are the most vulnerable in the province: children connected to care; children living with a special need or disability; young people connected to the youth justice system; children connected to mental health services; and children in our provincial schools for the deaf and blind, and in demonstration schools. They are some of the most resilient, yet vulnerable, children in the province. They can shine in the light of their own potential, given the opportunity.

It takes a great deal of courage for a child as vulnerable as those in my mandate to speak up—a great deal of courage. When they do, we as a province must meet their courage with ours. It's why my office was created. Those children who with their great strength come forward, often alone, often frightened, have a right to expect that my office has all the tools that it needs to assist them.

Under Bill 8, the provincial advocate will have the power to investigate serious occurrences involving a child under the care of a children's aid society or placed in a licensed home by a children's aid society. What's troubling is that the bill is silent about providing the same protection to other vulnerable children and youth under my mandate. We know that a serious incident can occur anywhere in the province, yet the advocate will be powerless to investigate incidents at youth detention centres, mental health facilities or demonstration schools for the severely disabled.

I've been asking for access-to-information and investigatory powers for almost six years. Bill 8 does not provide them. I'm asking you to change that. Six years ago, I sat in this very room and I spoke to the legislative committee about my desire to know when a child in my mandate dies. How can I, as the Provincial Advocate for Children and Youth, not be privy to that information? Bill 8 does not change that.

I was assured by the then Premier that if my concerns about access to information continued, he would amend my act. It did not happen. When the predecessor to Bill 8 was tabled, I was contacted by the ministry just after. I was asked to consult. I met with them. I told the deputy minister and the minister separately, in separate meetings, what I have submitted with you today. I then met with the ministry legal team, followed by the Premier, and then I met with her staff and the minister's staff. During every meeting—every meeting—I told them what is in my submission to you today. After each meeting, I was never given a reason why my ask for the children I serve could not be met—not a reason. I was told that the bill was already drafted and changes can happen at this committee. I'm looking forward to that.

I want to know, when I was asking for answers, why my office is the only office of the Legislature without investigatory powers. I want to know why I'm the only child advocate in the country without access to information, or with limited jurisdictional powers to investigate all areas of my mandate. I ask you to do the right thing.

I listen to children in need every day. While I report to the Legislature, I feel almost a sacred obligation to them. I want to give you a few examples about what they face and why we need to make the changes to Bill 8 that I am suggesting.

A 10-year-old boy calls our office. He lives in a group home. He thought he was restrained too many times. Any time a child is restrained in a residence, that restraint has to be reported as a serious occurrence to the Ministry of Children and Youth Services. We requested the serious occurrences from the ministry; we could because he was in care. We learned that he was restrained 100 times in just one year. We learned that there was no reason listed for many of the serious restraint occurrences when we looked at what was the cause of these restraints.

This little boy had the wherewithal to come forward and tell us that there was a problem. Right now we are trying to analyze all the serious occurrence reports from all group homes. We can only get redacted reports right

now. Bill 8 will help with kids in children's aid care around that.

But what about the little boy or girl in a group home not with children's aid, a child with special needs who can't speak for themselves? Will Bill 8 allow me to get reports about restraints that they might have endured? No, it will not. I would be powerless to investigate or even obtain information to look into that concern. I ask you to do the right thing—

The Chair (Mr. Grant Crack): Okay. Thank you very much, sir. I apologize, but that's—

Mr. Irwin Elman: That's okay. I can add to that.

The Chair (Mr. Grant Crack): We'll start with Ms. Fife from the NDP.

Ms. Catherine Fife: Thank you very much for coming today. You know that we fully support all of the amendments that you put forward. You know that that change can happen here next week when we go through by clause-by-clause and those amendments are put forward. I'm very encouraged that you're going to be here, but I'm more interested in hearing the rest of your story.

Mr. Irwin Elman: Thank you. I wanted to tell you about a young man in custody who calls our office and he alleges he was beaten up by guards in a place of custody. He says he was kneed and kicked in the face while cuffed on the ground. We asked the Ministry of Children and Youth Services to investigate. They say they have. We asked for a copy of the investigation report. We are told we do not have the right to get it. We asked because we know many such investigations by the ministry rely only on written reports by the staff who caused the occurrence, or allegedly caused the occurrence. We want the investigation report to ensure ourselves, and the youth who calls us, that the investigation was done thoroughly and fairly. Will Bill 8, as it stands now, allow us to receive the report? It will not. I ask you to do the right thing.

Last December, I read a story in the *Globe and Mail* about a man given a 20-year sentence for assaulting a little boy at a children's mental health facility. I get a lot of my information from newspapers. I must learn about things like that from newspapers.

I asked the ministry involved about what happened in this case. Like many, I asked, "How could this take place?" I was told I could not receive the information. Will Bill 8, as it stands now, provide me with the information? No, it will not. I ask you to do the right thing.

In the past, several students who live and go to school, a provincial school for the deaf, complained that they were assaulted by staff there. The schools are operated by the Ministry of Education. We called the ministry and were told that our legislation only permits us to do "informal advocacy" with students at the school and we had no right to access that information. Will Bill 8, as it stands, change anything for these students? No, it will not.

I understand some bureaucrats in a variety of ministries might not like the idea of a child advocate knowing their business. I understand that often government, even

when it wants to do what is right, feels constrained, and they do as little as necessary. But today I ask you to have the courage, like the children who call my office. I want you to serve and partner with them to do what is the right thing to do.

Thank you, Ms. Fife.

The Chair (Mr. Grant Crack): Thank you. You have 30 seconds left.

Ms. Catherine Fife: Once again, I think that the weaknesses that are currently in Bill 8—you identified them the first time around, when they were Bill 179.

Mr. Irwin Elman: That's correct.

Ms. Catherine Fife: So can you comment on that? Because the recommendations you made prior, they still apply today.

Mr. Irwin Elman: Yes, they do. You know, what's difficult to understand, and I hope the committee has that discussion, is why the changes we are suggesting have not been accepted. Actually, I don't think I've been given an answer to that. I do know that there is resistance by some of the ministries that might be affected, that, as I say, might have us know their business, but I don't think that's what we're here today for. That's why I'm asking, I'm appealing to you, about the right thing, because we're here about children and young people and safeguarding them and giving them a voice—all the things that the Legislature did originally when creating my office. That's what this discussion is about, and it's you who can make that change for children in the province. It's not going to be the bureaucrats.

The Chair (Mr. Grant Crack): Thank you. So we shall move to the government. Mr. Baker.

Mr. Yvan Baker: Thank you so much for coming in, and thank you for the work that you do in protecting children.

Again, this bill does expand your office's mandate and, of course, would give you the investigative powers for matters related to services provided by children's aid societies. We believe that your office is well positioned to provide this additional oversight, given your expertise, given your experience, given your focus on children and youth issues.

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My understanding is that the Ministry of Children and Youth Services has consulted heavily with you over the course of approximately the past year, before the introduction of the bill and afterwards on any amendments or concerns that your office might have, and I understand that the Ministry of Children and Youth Services is happy to brief you on their response to your proposed amendments.

Obviously, if Bill 8 were passed, it would expand the mandate of your office and it would offer you those investigative powers I spoke about in terms of oversight over children's aid societies. Could you speak a little bit to how the addition of these investigative powers would allow you to best serve and protect children and youth in Ontario?

Mr. Irwin Elman: There are a few ways, but let me just speak again to the issue of consultation. The first time I was approached about this bill or the act was after it was introduced, not before—not when it was being created in the first instance. I want to tell you again that anything I said to you, anything that's in my written submission, was my response to the consultation. I'm saying it here again. I'm saying the same things again. So if that's consultation, yes, I guess we've met many, many times.

I've done some consultation too. I asked to speak to the Premier, I asked to speak to the minister herself, and I made the same representation to them as I'm making to you. I asked them to do the right thing.

In terms of what the current bill will allow us to do, I'm saying I welcome the opportunity and I'm thankful for the confidence that the government has in our ability to undertake this really crucial piece of work. The first thing that I think about is our ability to look at the death of children connected to kids in care. As you know, it's an issue that I raised six years ago. While I do not want to be the child death review process for the province, I do want the ability to be notified about a child in care or connected to care who dies, and I do want the ability to do an investigation, the way other child advocates in other provinces can, that will get at some of the systemic issues that might have been party to that death. I think that's really important.

The Chair (Mr. Grant Crack): Okay.

Mr. Irwin Elman: I also want to access information—I'm sorry.

The Chair (Mr. Grant Crack): Thank you very much. I appreciate that.

Mr. Irwin Elman: Thank you.

The Chair (Mr. Grant Crack): I'm sure you have more to say.

Mr. Irwin Elman: Always.

The Chair (Mr. Grant Crack): Thank you, Mr. Baker.

To the opposition. Ms. Martow.

Mrs. Gila Martow: Thank you very much for coming in. I really appreciate—I'm learning a lot from everybody who is presenting today.

I'm just wondering if you feel that there needs to be, with the police department—there is so much more reporting that is being done now than there was decades ago. Every time a firearm is withdrawn from its holster, a report has to be made. Every time it's fired, a report has to be made. I'm very concerned when I hear about a 10-year-old who's being restrained 100 times in a year. Do you feel—I know I'm getting a little bit off-topic—that less restraints would be used if there had to be more reporting and that that reporting should have to go directly to you, not just that you have to hear about a death of a child but that you would be directly reported to? Is that what you're asking for?

Mr. Irwin Elman: Of course. I think that's one of the elements, that whenever you create these openings for the practice of how we protect and care for our children who

are the province's responsibility, children who live under your roof—your roof—you should have the right to know how those children are doing and how we care for them; and so should the public. That's what this transparency that we're asking for would provide. You were saying, and I was too, that a child can be restrained 100 times. That's shocking. Well, who would know what else is happening to children in this province, in those homes, right now? Who would know?

Mrs. Gila Martow: Exactly. And why is that child in a group home? Maybe the parents were having trouble controlling the child but possibly were doing a better job than we are doing. That's the real question—

Mr. Irwin Elman: Yes.

Mrs. Gila Martow: —where is the child better served?

Mr. Irwin Elman: Yes.

Mrs. Gila Martow: Thank you so much.

Mr. Irwin Elman: Thank you.

The Chair (Mr. Grant Crack): Thank you very much for coming before committee. We really appreciate it.

MR. ANDREW SANCTON

The Chair (Mr. Grant Crack): Next we have, via teleconference—there's been a change to the agenda. Mr. Andrew Sancton, I believe, is with us. Mr. Sancton?

Mr. Andrew Sancton: Yes, I'm here.

The Chair (Mr. Grant Crack): Great, sir. Thank you. Now, did I pronounce that correctly?

Mr. Andrew Sancton: Yes, you did.

The Chair (Mr. Grant Crack): Great. Where are you from?

Mr. Andrew Sancton: I'm a professor of political science at the University of Western Ontario. I specialize in municipal government. Do you want me to go ahead?

The Chair (Mr. Grant Crack): Certainly, sir. You have five minutes. Thanks for being here.

Mr. Andrew Sancton: First of all, I want to say that I apologize for my speech being somewhat slurred. It's not because I had a three-martini lunch; it's because I just came back from the dentist. I didn't really prepare for this because I didn't expect to be talking today, but I'm very pleased to have this opportunity.

I've taught about municipal government and written about municipal government for about 30 years here at Western. I also was the closed-municipal-meeting investigator for the city of Brampton until I resigned last year. During that time, I had no cases to investigate. The Ombudsman will no doubt tell you that that was because there was a \$500 fee to make a complaint, a fee that I did not have anything to do with. But I wanted to say that myself before he says it about my testimony.

I resigned because I wanted to have the opportunity to speak publicly against the Ombudsman's definition of open meetings. I think if a tenured university professor can't feel free to do that, nobody can feel free to do it. One of the problems we have is that politicians, particu-

larly municipal politicians, are, in fact, intimidated by the Ombudsman on this closed-meeting issue because he has a great deal of power over them, which was proven in large measure in the municipal elections in Sudbury and London just recently when so many incumbents were defeated, in part, I would argue, because of decisions that the Ombudsman made.

The Ombudsman has spoken out against me on Twitter; he's done that against lots of other people. As I said, few politicians dare to respond. He's actually tweeting today, of course, about the proceedings, making it clear what he thinks you people should be doing, and I think that's inappropriate for an officer of our Legislature. I wouldn't be surprised if he had something to say about what I'm going to be saying now in exercising my rights as a citizen.

My main message is that I think that in the current circumstances, it would be irresponsible of the Legislature to give the current Ombudsman appellate responsibilities over all closed-municipal-meeting investigations. The problem is that the Ombudsman has made up his own definition of a meeting and he has caused chaos among municipal councillors and the people who advise them about the rules for open meetings.

The Ontario Legislature has never even considered making it illegal for small groups of municipal councillors to discuss municipal business, but the Ombudsman, all by himself, without any public consultation, has decided that this activity contravenes the Municipal Act. In doing that, he has used American state laws as his models. I think you people should be particularly aware that these state laws in the US apply to state legislators as well.

When the Ombudsman speaks to you later today, you might want to ask him if he thinks that open-meeting laws should apply to cabinet meetings in Ontario and to the meetings of party caucuses. If he is reluctant to give an opinion on this, it will be completely out of character, because all you have to do is follow his Twitter account to know that he has an opinion on just about anything and expresses it all the time.

I'd plead with you to remove the parts of Bill 8 that give the Ombudsman increased jurisdiction over open municipal meetings. I urge you to remove that until you and the citizens of Ontario have had an opportunity, through an open process of public consultation, to decide what the definition of a municipal council meeting is.

In my mind, this is a very serious problem. I know for a fact that newly elected progressive councillors, councillors who want to bring about very positive change in our Ontario municipalities, are afraid to talk to each other about how they're going to do their business. This is not just a technical problem about procedure; this is undermining good municipal government.

1430

Imagine how difficult it would be to do your job if you were afraid to talk to your elected colleagues about provincial business because you thought it might be violating some law and the Ombudsman could come in and declare that you'd held an illegal secret meeting.

The Chair (Mr. Grant Crack): Well, thank you—

Mr. Andrew Sancton: I know this is just a small part of Bill 8, but it's an important part, and I think you should use your authority to recommend that that part of the bill be removed.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Sancton. We will start with the government. Mr. Colle.

Mr. Mike Colle: Hi, Andrew. It's Mike Colle.

Mr. Andrew Sancton: Hi, Mike—or Mr. Colle, I should say.

Mr. Mike Colle: I haven't seen you in a while, since we were in the North York council chamber, trying to fight the megacity imposition by the Harris government.

Mr. Andrew Sancton: Yes.

Mr. Mike Colle: Thank you for all the passionate work you've done for municipal government and for democratic government at the local level. You certainly have an outstanding career of doing that. I just wanted to again let people know that you have been an incredible advocate of good, open municipal government.

By the way, how is the megacity working?

Mr. Andrew Sancton: I'm not going to go there.

Mr. Mike Colle: We won't talk about that.

The other thing I wanted to ask you about is this definition. You're asking for this definition of open council of municipal meetings to be very clear, because at this point you're saying that it's very ambiguous?

Mr. Andrew Sancton: Well, I don't think it is ambiguous, but it seems to have given the Ombudsman an opportunity to make up his own definition of a meeting by extending the definition to include these totally informal meetings. We're not talking about complete meetings of the council that meet in private and then come out and do the business, rubber-stamp things in public. We're talking about various occasions on which councillors talk to each other about what they're going to do, and the Ombudsman either has said that they can't do that or has invoked so much fear that they don't want to do it.

Incidentally, just one more thing: In Toronto, in the megacity council with 45 people, it appears that there is a totally different standard. Nobody has even suggested that councillors talking to each other is okay; it appears on the front page of Toronto newspapers that they're doing that, and nobody bats an eyelid.

Mr. Mike Colle: So where do we find this definition that might be appropriate so we don't have basically the handcuffing of municipal officials from doing their work?

Mr. Andrew Sancton: I think it's the British Columbia Ombudsman who has laid down the best set of rules about this. Again, she has taken an initiative here because there had to be some clarification from the legislation, and I think she has been much more reasonable than the Ontario Ombudsman has. I think the Legislature will have to just amend the law to state the circumstances under which groups of municipal councillors can meet together and talk about municipal business and

circumstances in which they can't. It will never be absolutely clear, but it does need to be made more clear than it is now.

The Chair (Mr. Grant Crack): Okay. Thank you very much.

Mr. Mike Colle: Thank you, Andrew.

The Chair (Mr. Grant Crack): We'll move to the opposition. Ms. Martow.

Mrs. Gila Martow: Hi. I hope you're feeling better, and you sound absolutely fine.

I just wanted to ask you how you feel about smaller councils, because in terms of Toronto, when you have 45 councillors and four or five meet for breakfast to have a little meeting, that sounds reasonable and normal. But my guess is that there are some smaller municipalities where there might be only six or seven councillors and one person is shut out from these little meetings. It seems a little bit unfair, but I guess that's life, and maybe they split themselves up into almost a party level at the municipal level of government. How do we deal with that kind of openness on municipal councils, and should we give up—maybe we have to make it partisan on municipal councils. How would you feel about that?

Mr. Andrew Sancton: You've raised a number of issues here. First of all, one of the interesting things about the Ombudsman's interpretation of the law is that it probably makes it impossible to have parties at the local level, because what's the point of having a party if the members of the grouping can't talk to each other about their strategy? Imagine what it would be like being in your caucus if you couldn't talk at all or if you had to have all the meetings in public.

Just a word about the Toronto situation: It's not four or five councillors having breakfast together; it's groups of 10 or 12 meeting together in an organized way to talk about business. That was reported on the front page of the *Globe* in 2012. When there were the difficulties with Mayor Ford, it was also reported publicly that the councillors worked out what they were going to do off the floor of the council. That was reported publicly.

If that kind of thing happened in London, for example, and if the Ombudsman was brought in to investigate, it would have been ruled to be in violation of the rules. I wish I could give you a clear answer. If you give me a little time, I could come up with a possible definition. But we have to have a better situation than we have right now with the Ombudsman. What Bill 8 does is make a bad situation worse by giving him more jurisdiction over the places that have a closed-meeting investigator of their own.

Mrs. Gila Martow: I understand. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the NDP. Ms. Fife.

Ms. Catherine Fife: I just want to thank you for calling in. I think you made a very succinct presentation and I have no questions for you. Thank you very much.

Mr. Mike Colle: Point of order.

The Chair (Mr. Grant Crack): Point of order.

Mr. Mike Colle: Could we have made available to us the British Columbia Ombudsman's definition of what

constitutes an open meeting as far as municipalities go? And if research could get back to us and let us know whether this would also apply to the definition of open and closed meetings as it relates to school boards and MPPs and the work of the Legislature?

Ms. Heather Webb: In British Columbia?

Mr. Mike Colle: Yes. The question raised by Professor Sancton is whether this definition of meeting would also apply to us as MPPs in our meetings, and to trustees and to municipal officials.

Ms. Heather Webb: Okay.

The Chair (Mr. Grant Crack): Would it be the consensus of the committee, further to Mr. Colle's point of order, to obtain that information?

Ms. Ann Hoggarth: Point of order.

The Chair (Mr. Grant Crack): Okay, thank you. Another point of order, Ms. Hoggarth.

Ms. Ann Hoggarth: Just in regard, perhaps we might want to have research give other—

Mrs. Gila Martow: Jurisdictions.

Ms. Ann Hoggarth: —jurisdictions—thank you—that have rules such as that definition.

The Chair (Mr. Grant Crack): Would the committee consider that point of order as a request for additional information as well? Ms. Fife?

Ms. Catherine Fife: Just a point of clarification: I think that because the delegate referenced BC and made a compelling case for it—is Ms. Hoggarth looking for every other jurisdiction? Because I think that that would be onerous.

Ms. Ann Hoggarth: No, just the other provinces. I don't care about the US.

The Chair (Mr. Grant Crack): Okay, well—

Ms. Catherine Fife: That's a lot. I'm really just interested in BC's because it was referenced in the context. I don't really need to see every other province. And I'm cognizant of the time of the researchers.

Mr. Mike Colle: Point of order: If we can make it available, whoever wants to look at it can look at it, if it's available.

Mr. Andrew Sancton: I can send the link for the BC Ombudsman, if that's what you want.

Ms. Catherine Fife: Oh, thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Sancton, for coming and speaking to us from Western—in London, I take it.

Mr. Andrew Sancton: Yes.

The Chair (Mr. Grant Crack): I appreciate it. Thank you. We'll continue our debate here.

I believe legislative research will obtain the information. However, we have to remain on schedule here. I thank you very much for your points of order, but they're not points of order.

Mr. Andrew Sancton: Thank you for your time.

Mrs. Gila Martow: Can I make a quick point of order, which may or may not be a point of order?

The Chair (Mr. Grant Crack): Point of order, Ms. Martow.

Mrs. Gila Martow: There was a gentleman—he's sitting by the door—who took a picture before. It was raised by the Speaker in the House about taking pictures during committee meetings, and I was just wondering why he was taking a picture.

The Chair (Mr. Grant Crack): I'm not sure. He could have been a reporter.

Ms. Catherine Fife: No, actually, he was from my office and it was just for me. It won't be shared.

The Chair (Mr. Grant Crack): It's an action photo, Ms. Martow.

Mr. Mike Colle: Well, this has happened before. The Speaker has been very specific about this. I'm not saying that this was out of line but I'm just saying, let's make sure this doesn't go on, because we saw what happened on two occasions already in committee where basically they were intimidating members of the committee with these photos. We don't want that to happen again.

The Chair (Mr. Grant Crack): Okay. Thank you very much. I appreciate that. That's something, I guess, we can discuss after. We are continuing our business here—let me see what the time is; 2:40. Is Ms. Jennifer DaRosa here with us this afternoon?

The time is 5 o'clock—sorry, 4:45—3:45—2:45. You know, I'll get this right.

Let me rephrase that. We have five minutes. We're going to take a little recess out of respect, because her time is at 2:45. If she doesn't show, then we will recess.

Interjection: Is the press allowed to come in and get some pictures?

The Chair (Mr. Grant Crack): I believe they are, yes.

The committee recessed from 1440 to 1445.

The Chair (Mr. Grant Crack): We'll call the meeting back to order following the short recess. Is Miss Jennifer DaRosa here with us this afternoon? I believe she's not with us.

Perhaps what we could do is just have a general discussion, since we have a few minutes. There has been a request this afternoon for the Ombudsman, when he makes his presentation, to have his staff come in and film and/or take pictures. Is that something that—

Mr. Mike Colle: No; no pictures in the committee. I'm against it.

The Chair (Mr. Grant Crack): I just want to know if you want to sit on it and come back after. Ms. Fife.

Ms. Catherine Fife: It's a good suggestion to take a little time. We're public figures. We're politicians. So we're in the public domain, and if the Ombudsman would like to come here and film and use this as an education tool, I have no trouble whatsoever with that. I don't—

Ms. Ann Hoggarth: There's a rule.

Mr. Mike Colle: We just heard from the Speaker—

Ms. Catherine Fife: No, the Speaker—that's in the House. Committees are different from the Legislature.

Mr. Mike Colle: —who was very clear about this tactic of using photographs and pictures in council rooms. Let's talk to the Speaker about it.

The Chair (Mr. Grant Crack): Yes, I think what we should do is get some advice from the Speaker, given the fact that he is an officer—

Mr. Mike Colle: If the Speaker agrees—

The Chair (Mr. Grant Crack): Excuse me—as he is an officer of the Legislature, and maybe perhaps there are different rules that would apply in that regard.

Ms. Catherine Fife: Just as a secondary comment, Chair: Earlier today, though, there have been pictures taken of delegations. This has been a long-standing practice. When organizations come here, it's an act of political advocacy that they are exercising as their democratic right to do so. They come here, they make a presentation and they take pictures of themselves coming here to the Legislature. It is published in their annual reports and what have you.

So if we're going to make a policy up here, there has to be a consistent policy. Today already, we have had people take pictures, and I think that ruling against the Ombudsman coming here and not allowing him to film or document his presentation is completely uncalled for.

The Chair (Mr. Grant Crack): Okay. We could have all kinds of debate on this here, I'm sure, but there was a ruling by the Speaker previously. Let's re-consult with him, and then when we reconvene, we can have an answer.

Mr. Mike Colle: Sounds good.

The Chair (Mr. Grant Crack): Is that fair enough? Okay. Thank you very much.

This meeting will stand recessed until 4 p.m., at which time I will not be in the Chair. I believe Mr. Colle might be in the Chair—I apologize. Yes?

Ms. Catherine Fife: May I just say I think you did a wonderful job chairing. The regular Chair has a penchant for overuse of the gavel, and you're much more gentle. I just want to say that I really appreciate it.

The Chair (Mr. Grant Crack): Thank you very much. That makes me feel good.

Mr. Mike Colle: Mr. Chair, we still don't have a clock in here.

The Chair (Mr. Grant Crack): This meeting is recessed.

The committee recessed from 1448 to 1450.

MS. JENNIFER DAROSA

The Chair (Mr. Grant Crack): We'll call the meeting back to order. I'd like welcome Ms. DaRosa to the chair here. Feel free. It's currently 10 minutes to, so we have 10 minutes. You have five minutes to make your presentation, followed by about a minute or so from each party. So welcome.

Ms. Jennifer DaRosa: Thank you. What's your name?

The Chair (Mr. Grant Crack): My name's MPP Grant Crack.

Ms. Jennifer DaRosa: Oh, okay. I don't know, because I have copies here.

The Chair (Mr. Grant Crack): Okay. The Clerk will distribute those on your behalf.

Ms. Jennifer DaRosa: Okay. I need one for me. I don't have 25, though.

Mrs. Gila Martow: We don't need 25.

The Chair (Mr. Grant Crack): Welcome. You have five minutes.

Ms. Jennifer DaRosa: Oh, okay. It won't take that long.

The Chair (Mr. Grant Crack): Sorry to rush you.

Ms. Jennifer DaRosa: Hello. My name is Jennifer DaRosa. I believe we need more oversight and transparency with children's aid and the MUSH factor, like including universities, schools and nursing homes.

I think Bill 8 should be passed for the following reasons. Certain individuals are abusing their powers. There needs to be consequences for people who lie and cheat the government. They are not only cheating us but themselves as well.

There absolutely needs to be someone who oversees the children's aid societies. Ontario is the only province in Canada with absolutely zero oversight with schools, universities, nursing homes and children's aid societies, and I guess the list continues.

I have an eight-year-old son and an 11-month-old daughter. I'm doing this for them and all of the children in Ontario. There needs to be more investigating on where children are being placed in care.

Foster parents need to be screened more carefully, and child protection workers need to be more trained, because a lot of them are not even social workers, and they're not—they don't even—okay. Child protection workers need to be more trained and qualified.

Children are our future. We can't let them down.

I see my daughter twice a week for two hours a week. It's not enough for me. She misses me terribly. She cries when the visit is over with me, and I know why. I don't want this happening to other kids. This bill needs to be passed.

A lot of pain has been brought upon me because there is no oversight here in Ontario. Jeffrey Baldwin was starved to death. This shouldn't be happening. We need better homes for kids, better screening for foster parents and anyone associated with children's aid societies.

Should children be in care or foster care when the ones who are supposed to be looking after them are on drugs—more drug testing for everyone involved with children.

I lost custody of my son. He wasn't even two years old. My mother couldn't take care of him anymore with her common-law boyfriend. My mom's boyfriend changed my son's diapers. He's told me this personally.

My mom couldn't take care of him, so his father retained full custody of him. Now I'm in court for my 11-month old-daughter. I'm separated from my husband—I'm living with my father—and our daughter. It breaks my heart. This shouldn't be happening to me, but it is. I need to be with my daughter full-time, but instead she's with her babysitter more than me.

I find this very unfair to me. I have done nothing wrong, but I have so much faith that everything will work

out for the best. I have been through a lot. I didn't even bring my daughter home with me from the hospital. She went into foster care. I was in a psych ward for three weeks. My husband was all alone. He finally has temporary custody of her.

This abuse needs to stop now. There also needs to be drug testing for the parents, employees, drivers, foster parents and babysitters—anyone who comes in contact and takes care of children.

I have been through so much my whole life; I don't even know where to start. But I don't like to see children suffer. My own parents separated when I was 12 years old. I never really understood until now. I've been with my dad mostly.

I just want Bill 8 to be passed, so the MPPs and the Ombudsman have the power to oversee the corruption in the children's aid society. People shouldn't be abusing power. There needs to be severe consequences for those individuals who just care about money and aren't there for the families.

My recommendations are that Bill 8 be passed so that there is more oversight and transparency in the MUSH sector, that complaints made by families are taken seriously and that the Ombudsman and MPPs of each town are allowed to investigate.

Thank you

The Chair (Mr. Grant Crack): Thank you very much, Jennifer. I think we'll probably have about a minute from each party. We'll start with Ms. Fife.

Ms. Catherine Fife: Thank you very much, Jennifer, for coming in and sharing your story with us. I know it takes a lot of courage to do so.

Ms. Jennifer DaRosa: Yes.

Ms. Catherine Fife: I just want to clarify, though: So you would like to see Bill 8—

Ms. Jennifer DaRosa: Passed.

Ms. Catherine Fife: —strengthened so that it does have provincial Ombudsman oversight over children's aid?

Ms. Jennifer DaRosa: Yes, because Ontario is the only province—

Ms. Catherine Fife: You're quite right in saying that. Thank you very much.

Ms. Jennifer DaRosa: Thank you.

The Chair (Mr. Grant Crack): Thank you. Ms. Hoggarth?

Ms. Ann Hoggarth: Thank you very much. I appreciate you coming forward. Part of the reason we are doing this is for exactly the reasons that you've cited. The Office of the Provincial Advocate for Children and Youth is well positioned to provide additional oversight for the proposed Bill 8. PACY has the expertise and the experience necessary to put the interests of children and youth first, and that's where we believe that it should be. We need to take care of our youngest, most vulnerable people.

Can you comment on how taking this approach will help the young children who are in the care of the children's aid?

Ms. Jennifer DaRosa: Well, it'll help because—so the Ombudsman and the MPPs can investigate complaints. At this point, they're unable to investigate. They get complaints, they get complaints, and they can't do anything about it.

Ms. Ann Hoggarth: Thank you.

The Chair (Mr. Grant Crack): Thank you very much. Ms. Martow.

Mrs. Gila Martow: Thank you, Jennifer. I think that you're absolutely right when you say that the elected officials get a lot of complaints and oftentimes it's hard for them to know where to turn. I think that you need the support and I hope you're part of a support group of parents.

Ms. Jennifer DaRosa: I am.

Mrs. Gila Martow: I think that coming here and speaking to us is a very good indication that you've got a lot of inner strength. Thank you very much for coming and speaking to us today.

Ms. Jennifer DaRosa: Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Jennifer, for sharing your insights and your opinions with us. That's the way it works in committee. Again, thank you for coming. We appreciate it.

Ms. Jennifer DaRosa: All right, thank you.

The Chair (Mr. Grant Crack): This meeting is recessed until 4 p.m.

The committee recessed from 1459 to 1601.

The Acting Chair (Mr. Mike Colle): I'll bring the committee on general government to order. Would the members take their seats.

MS. APARNA SANWALKA

The Acting Chair (Mr. Mike Colle): The first presenter—there has been a change, and we have, via teleconference—

Interruption.

The Acting Chair (Mr. Mike Colle): Gilles, be quiet, please.

Mr. Gilles Bisson: How did you know it was me?

The Acting Chair (Mr. Mike Colle): Anyway, we have, via teleconference, our first deputant, Aparna Sanwalka. Aparna, can you hear us?

Ms. Aparna Sanwalka: Yes.

The Acting Chair (Mr. Mike Colle): Okay. You have five minutes to make your presentation. Then we have three minutes of questioning from each party after that. Could you please begin your presentation?

Ms. Aparna Sanwalka: Sure. I would like to speak specifically on the need for the oversight on children's aid, because in my personal experiences as an abused woman—I got away from my abuser 11 years ago. Recently he has re-emerged and made a false allegation based on the same allegations that were tried 11 years ago in Family Court, when I went through the nightmare of leaving an abusive relationship. But at least I had support of police; I had support of victims' services and other organizations.

Eleven years later, when the restraining orders and all have expired, he took my young disabled daughter; manipulated her mind; contacted her without having the right or the legal ability or anything to do it; violating court orders, to do things behind my back; and made an anonymous phone call to children's aid society. Children's aid society came and apprehended my daughter, and has put me and my children through hell for the past six months.

I have no rights because my ex-husband, who abused me for years, who the system helped me get away from—we were finally safe. He doesn't have any custodial rights, no legal rights, no nothing. But because he can be articulate, he can make one phone call and bring up all those allegations from 11 years ago, and now all I am is that abused woman who left an abusive relationship 11 years ago.

I'm sitting here, and now I can no longer be a valuable member. My two children, who are disabled, have zero rights. The provincial advocate has been begging—for my daughter, I had to call an ambulance at an access visit for her to get medical treatment. My autistic son attempted suicide twice in care, and children's aid is hiding it.

There is nobody listening—nobody listening, nobody having the authority. The Provincial Advocate for Children and Youth has been asking to see my children for two months. Children's aid and OCL are blocking it, despite the fact that my daughter wrote a letter begging for help. CAS and OCL have both turned around and said, "Oh, no, she changed her mind."

There's a videotape of my daughter and my son in tears while I am being yelled at by four children's aid workers: two workers and two supervisors, yelling in the same access room during my access. My children are in tears, and I'm terrified to say a word.

I have legal custody of my children. I went through the court system. I went through the criminal system and the civil system. It may not be a fair system, but it is our system and it is the legal system we have. But in the end, the judge relied on the facts.

Once those facts are relied on and decisions are made, an abused woman should not have her life ripped apart again 10 years later. Innocent children shouldn't be pulled out of their homes for no reason—and nobody has any oversight, nobody has any authority to do anything.

The law, the CFSA, was created to protect the most vulnerable of our society: our children. When it is failing our children and the CAS is more concerned about hiding things from the ministry—hiding their misconduct, hiding whatever—and they're more concerned about, I don't know, whatever else, the funding or whatever it is, that's not okay because those children are now damaged for life. Those children are going to be affected. We are going to have to pay. They're going to go back into our system. Our health system will have to cover the costs of all of the counselling.

My family will never function again. The fact that I've saved, as a responsible single mother—I went through

everything—for their education, and I set them on a track where they're going to be successful contributors to society, and now that's all been taken away based on one anonymous phone call from a vindictive, abusive ex-husband—that's not okay.

The Acting Chair (Mr. Mike Colle): You have about five seconds left.

Ms. Aparna Sanwalka: I really think that it's very important—very important—that we protect the most vulnerable, and somebody should have oversight. We're taking away the charter rights from parents—because we believe that children are important, and I believe that children are important, but we need some oversight so that things like this can't happen. It's happening in our country, not halfway across the world.

The Acting Chair (Mr. Mike Colle): Thank you very much for your presentation. Now we have questioning for three minutes by each party. We start with the Conservative Party: Mrs. Martow.

Mrs. Gila Martow: Thank you very much for your presentation. I think that people here are very sympathetic to your plight. I know that we all want as much oversight as possible and we want balance; I think that's what it comes down to—balance.

My question would be: Did you appeal to higher levels in terms of supervisors, or did you perhaps appeal to the ministry itself for support?

Ms. Aparna Sanwalka: I have gone all the way up to the ministry. I've gone up to the CFSRB. In fact, there was an existing court order at the CFSRB with the children's aid society that I'm dealing with, particularly, where it is in default of the application of the court-ordered finding—sorry, I'm lacking the word right now. But what happened was, it is exactly the same team, so now they have a vested interest. This is where there's no accountability.

If I was in civil court, that same lawyer, that same whatever, couldn't present both sides. Now you've got the same team leader, the same supervisor and the same lawyer who are in violation of the order against the CFSRB. They're the ones who are controlling everything my children say and do.

Mrs. Gila Martow: I really appreciate your time. Thank you very much.

Ms. Aparna Sanwalka: Thank you.

The Acting Chair (Mr. Mike Colle): Next we have, from the NDP: Ms. Fife.

Ms. Catherine Fife: Thank you very much for your presentation. I think: (1) it takes a lot of courage to share your story; and (2) it underlines the limited powers that the provincial advocate currently has, in addition to the limited powers going forward under this bill.

I just wanted to let you know that New Democrats support all of the amendments that the provincial advocate is fighting for—he's been fighting for them for six years—to ensure that he has access to the information to address the systemic issues in the system. One of those issues, of course, as you rightly pointed out—he's been asking to meet with your daughter. You have to have the

information, you have to know what's going on in order to address the issue at hand.

I really just wanted to thank you and to let you know that we're supportive of the provincial advocate, the amendments, and we'll be trying to get those forward through this committee next Wednesday.

Ms. Aparna Sanwalka: Thank you.

The Acting Chair (Mr. Mike Colle): Now, from the government party: Ms. Hoggarth.

1610

Ms. Ann Hoggarth: Thank you very much for your story—it's not a story—for telling us about your situation.

As an educator, I have seen both sides of the children's aid society. As you know, we as educators are obligated, if we have any kind of thought, to report it to children's aid, and then it is out of our hands, which is the law.

However, I would just like to say that I believe this bill is good, because it will expand the mandate of the Provincial Advocate for Children and Youth, and the amendments would give the advocate investigative powers for matters related to services provided by the children's aid society and certain residential licensees where a children's aid society is the placing agency.

The Office of the Provincial Advocate for Children and Youth is well positioned to provide additional oversight proposed in Bill 8. It has the expertise and experience necessary to put the best interests of children and youth first.

Can you comment on how taking a sector-specific approach by expanding the Provincial Advocate for Children and Youth is a good way to support and protect children and youth in Ontario?

Ms. Aparna Sanwalka: I think it is, because they are a neutral third party. They are not dealing with children's aid on a regular, day-to-day basis, as the OCL is, so they can present a fresh set of eyes. And because they're focused simply on the children, they are not a vested party in whether the CAS wins or the parent wins; they're there to simply uncover the truth.

If the parent has done something wrong—I, myself, spent 10 years teaching with the Toronto District School Board and I have been in the Canadian military, so I value and I understand. That's why I think it's very important. You know, we can't just say we don't need children's aid; we need them. There are children out there who do need protecting. But we need someone to hold—because, you know what? We're all human; we make mistakes. And I think we sometimes get tainted if we're working in the same position.

I feel that what's happening is, you know, it's all one little thing, and if something happens that may be wrongful or could be misinterpreted—I use the example because I advocate on a personal basis as my job. I've been doing education advocacy helping school boards and the ministry work together to ensure that the IEPs are reflective of what kids' needs are, and I think the provincial advocate has that role. They're already separate from

the OCL. They're separate from everyone else. They already have the funding; they have the mandate. And I think that if they're given the authority, it's not going to cost taxpayers a whole lot more money, but it gives the children a voice, which is what the CFSA—

The Acting Chair (Mr. Mike Colle): Okay. Thank you very much. We appreciate your making yourself available and taking the time to share your very important thoughts with us. Thank you again.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Acting Chair (Mr. Mike Colle): The next presenters are from the Association of Municipalities of Ontario, commonly known as AMO. We have the mayor of the great city of Tecumseh here, Gary McNamara, who is the president; and Pat Vanini, executive director of AMO. Welcome. You have five minutes, and there will be a three-minute go-round—I think you've been here before.

Mr. Gary McNamara: Thank you, Mr. Chair.

Public trust is one of our shared values. A municipal government, like any other order of government that lacks public trust, has every reason to earn it, and good government is best served when we meet that goal independently.

AMO is here to speak about how to improve the clarity of the bill. Our written submission sets out recommended amendments. The allotted five minutes for remarks only allows highlights of several of them; however, each of the proposed amendments is important.

The bill requires the Ontario Ombudsman to have regard for education rights and academic freedoms when investigating school boards and universities. There is no similar reference to municipal governments. The policies and principles that shape elected municipal governments and their governing authorities of the Municipal Act must be referenced. The purpose clause, section 2 of the Municipal Act, should be added to achieve this.

An ombudsman's function is to investigate an individual's complaint related to administrative fairness. The courts have interpreted "in the course of the administration" broadly to include anything that is "not a decision of the Legislature or the courts or is not explicitly excluded by statute."

Municipal councils carry out both legislative and administrative functions. Bylaws and other policy decisions and proceedings are legislative in nature and similar to those of the Legislative Assembly or cabinet. The bill would benefit from some clarity that this principle applies to municipal governments.

In addition, recommendation 2 speaks to clarifying that the function of any ombudsman is to investigate an individual's complaint about "fairness in" any decision in the course of administration of a public sector body. The phrase "fairness in" needs to be added to section 14(1) of the Ombudsman Act. It is apparent that there are conflicting interpretations of who does what when it comes to investigative authority.

For example, we understood the government's rationale for setting up the patient ombudsman with medically informed professionals to take on the ombudsman role. Yet we understand the Office of the Ombudsman feels it has some jurisdiction for the patient ombudsman and for integrity commissioners.

Auditors General already deal with efficiency and effectiveness reviews. Their functions have specialized expertise and recognized codes of professional conduct. These officials should be the body that is the final complaint and review investigator, and the bill should be amended to make this explicitly clear. In addition, closed-meetings investigations are procedural in nature and are not matters of administrative fairness.

There has been a lot of talk about systemic reviews, yet no one has been able to offer a definition. We have tried to do this in recommendation 4. I would suggest that it would be somewhat irresponsible to not define "systemic review." You need to resolve this.

The bill also establishes a super-oversight authority by permitting complaints to be appealed to the Office of the Ontario Ombudsman or providing an authority for the Ombudsman on its own decision to reinvestigate another officer's investigation or decision. A multiple, complex complaint/investigation system will make it unnecessarily challenging, if not confusing. As one example, it is not clear that a complainant will need to finish the municipal process first—or can they go to the super-oversight of the Ontario Ombudsman at any time? We believe that provincial oversight of municipal oversight officers is unduly complex.

The role of a closed-meeting investigator is, on a complaint basis, to determine procedurally whether a municipal council has complied with the open-meeting provisions of the Municipal Act. The investigations often hinge on determining whether a meeting has, in fact, occurred. The courts have consistently held that "meeting" in the municipal context is when a quorum of elected officials gather to deal with matters which would ordinarily form the basis of council or a local board or committee's business "in such a way as to move them materially along the way." The Ombudsman holds a different definition. As with all other matters, municipal solicitors and administrators advise their councils, boards and committees of their obligations based on documented law. The use or potential use of multiple, different meeting definitions undermines the ability to be accountable and transparent.

This definitional matter is even more critical if the bill's proposed super-oversight system is unchanged. We recommend that there be a common definition of "meeting" and that Bill 8 be amended to incorporate the court's definition.

If Bill 8 becomes law, municipalities will need transition time to align the new framework with their budget cycle and to review their complaint processes and procedures to support the new framework. In practical terms—

The Acting Chair (Mr. Mike Colle): Thirty seconds.

Mr. Gary McNamara: —a one-year transition period is reasonable.

Given the complexity of this bill, we recommend that the Ombudsman Act be amended to permit municipal governments and others the ability to apply to the courts to ascertain a question of jurisdiction. Having only one side, the Ombudsman, be able to question jurisdiction is unfair. Recommendation 11 will ensure balance and fairness.

This bill introduces new measures and structures. It is not a simple bill in its construct. There needs to be some check and balance, given some of the interpretive elements raised here and elsewhere.

We also recommend that this bill be reviewed in three years—

The Acting Chair (Mr. Mike Colle): Thank you, Mr. McNamara. Thank you for your presentation. Now we'll have questions, starting with Ms. Fife from the NDP.

Ms. Catherine Fife: Thanks very much, Mr. McNamara and Ms. Vanini, for coming here today. One question—first, I'll preface: We didn't support this bill because it's an omnibus bill and there is so much in it. There are a lot of things that get lost in it. But do you feel that municipalities were consulted appropriately before bringing forward the idea of an ombudsman oversight?

Mr. Gary McNamara: First of all, we had some discussions on the previous bill. I believe it was Bill 179.

Ms. Catherine Fife: Yes. Do you think it was an appropriate level, given some of your concerns that you brought forward?

Mr. Gary McNamara: No, we think we should have had more.

Ms. Catherine Fife: Okay. The Ombudsman, as you know, in the province of Ontario has long sought the power of oversight over municipalities, over the whole MUSH sector, although in this instance they left out health care, which is a huge issue in the province.

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One of the key issues historically has been closed meetings. He can, I understand, investigate these now, as you mentioned in your presentation. What will your members do to prepare to comply with this component of the act, Ombudsman oversight over closed meetings?

Mr. Gary McNamara: Well, first of all, we're all understanding of clarity and transparency. We're all-in in terms of having that in place. For us, there is already legislation under the Municipal Act that guides us in terms of where we can and cannot go when it comes to closed meetings.

Ms. Catherine Fife: We heard earlier today that several municipalities, as you know, have their own integrity commissioners. This seems to be an increasing trend. Municipalities have recognized, I think, that there are some questions around the table, and they've tried to address this issue. Can you speak to the trend of municipalities adopting the integrity commissioner model?

Mr. Gary McNamara: I'll defer to Pat.

Ms. Pat Vanini: Sure. I think, Ms. Fife, that you're correct. There's an evolution. There are things moving

along. Poor memory today, but I think there's over 30 or so integrity commissioners, generally in the very large urban centres, but it is something that grows and evolves.

Ms. Catherine Fife: Okay. Thank you very much for your time.

The Acting Chair (Mr. Mike Colle): Okay. Over to the government side: Mr. Ballard.

Mr. Chris Ballard: Thank you both for being here today and presenting. I have a little bit of experience—you have a lot more experience—from a municipal perspective of working and living in that goldfish bowl, having been a municipal councillor myself.

I just want it to be clear, though, that Bill 8 will give the Ontario Ombudsman the authority to investigate local complaints although only after the local process has been completed. I know there has been concern around that, but the local process will take place before the Ombudsman would come into play.

Just a couple of comments: There are 444 municipalities in Ontario, and I understand that only about 40 of them have chosen to implement an integrity officer of any sort. I know the municipality that I served in had an integrity commissioner. Another council came along, and he saw the writing on the wall and resigned, so then we didn't have an integrity commissioner. First-hand, I witnessed the difficulty, especially from a smaller municipality that may not have the resources to put an integrity commissioner in play.

Forget what the Ombudsman's report was in terms of closed meetings. We're all familiar with LAS; 46% of their closed-meeting investigations in 2013 came back and said there had been violations. Personally, I think there's an issue, and I think that proves it or demonstrates some concern anyway.

I just wanted some feedback from you, especially about those municipalities—because I came from a small municipality—that have less resources than others to establish their own accountability officers. Do you see any benefits to those municipalities, those without the resources to do it themselves, gaining access to the provincial Ombudsman?

Ms. Pat Vanini: If I could comment on the closed meeting element of it: In terms of the breaches, as the president said, we would, in the sector, benefit from a much clearer, less vague definition of what a meeting is, and we have provided you with some examples in the submission. That would go a long way. I think certainly in terms of the breaches, because they are complaint-specific and related to the circumstances, it would be important to ensure that there is a common definition of "meeting" across the province. Without a common definition, it puts municipal legal advisers in a very awkward position as to how to give the best possible advice. In fact, they want to be in compliance, but if you've got all this variety, it's really going to be hard and even worse in a two-tier appeal system.

The Acting Chair (Mr. Mike Colle): Thank you. Mr. Bailey.

Mr. Robert Bailey: Thank you, Chair. I'd like to thank the delegation here today for this great report they've put together. I'm trying to look through it quickly here.

Anyway, maybe you could elaborate on, just to give you time to get on the record here, the time required for the transition. What kind of timelines, Mr. McNamara, do you think you'd be looking at to do a fair job?

Mr. Gary McNamara: We think at least one year. Remember, we've just come out of a municipal election. We've got a lot of new members who are coming to the table. We're probably a few months behind in getting our budgets ready and what those impacts are going to be, moving forward.

We feel a fair amount of time in the transition would be at least one year.

Mr. Robert Bailey: Then, you mentioned something in your submission about, after three years, taking another look at the legislation and maybe making some improvements or some deletions. Would you care to elaborate on that?

Mr. Gary McNamara: Yes. Obviously, this is a very complex piece of legislation that covers the broader public sector. There's no question that there is nothing wrong in three years down the road to re-evaluate, to see exactly where we've been, where we're going and how it's been effective.

Mr. Robert Bailey: Okay. One more question: Maybe elaborate on the impact, just for some of us who maybe haven't been as involved as much, about the definition of meetings. I found that proposal in here quite interesting, so if you want to get something on the record about that, about the definition of meanings.

Ms. Pat Vanini: First of all, I would encourage you to read the details within the written submissions on that because it gives you some examples of it and I don't think I have time to get into it.

Mr. Robert Bailey: No.

Ms. Pat Vanini: But I think the real effect is that if in fact we are looking at investigation on complaints—if there isn't a clear definition, first of all, councils may make a mistake. But as well, the public isn't as informed about what a meeting is. I think it's really important for all the participants who will be impacted by any piece of legislation to get the clarity, so we certainly have provided some advice on that.

The Acting Chair (Mr. Mike Colle): Thank you. Your time is up. Thank you, Mr. McNamara. Thank you, Ms. Vanini.

ELECTRICITY DISTRIBUTORS ASSOCIATION

The Acting Chair (Mr. Mike Colle): The next presenters are from the Electricity Distributors Association: Mr. Jim Hogan, the chair.

Mr. Hogan, you'll have your five minutes and then there will be questioning, starting with the government side.

Mr. Jim Hogan: Good afternoon, Mr. Chair, and members of the standing committee. My name is Jim Hogan. I'm the chair of the Electricity Distributors Association. I'm also the president and chief executive officer of Entegrus. We're a utility down in Chatham-Kent and a number of other communities in southwestern Ontario. I'm pleased to be here today on behalf of the association to discuss Bill 8.

The EDA is the voice of Ontario's local electricity distribution sector, which consists primarily of municipal and privately owned local distribution companies, also known as LDCs. The LDC sector delivers power to all Ontarians through 4.9 million residential, commercial and institutional customers. I'm here before you today to respectfully ask that Ontario's LDC sector be excluded from the scope of this legislation.

The EDA is seeking an exemption for the LDC sector from Bill 8, specifically those provisions which would put our sector under the jurisdiction of the provincial Ombudsman. Expanding oversight of the LDC sector to that organization should be avoided for three main reasons. First, it is a duplicative model of oversight in an extensively regulated sector. Second, it has the potential to create customer confusion and dilute an established escalation of authority. Third, it is unnecessary for an already transparent and accountable sector.

LDCs are already subject to oversight measures that go well beyond what is proposed in Bill 8. The Ontario Energy Board, or the OEB, oversees the province's electricity system through a rigorous regulatory regime. The OEB is independent and they're a quasi-judicial agency that provides consumers with the information they need to better understand energy matters. It also monitors the financial and operating performance of LDCs for compliance with their regulations and codes.

Increasing the scope of the Ombudsman to include LDCs duplicates the work by an established and experienced regulator. Like an ombudsman, the OEB listens to and responds to the concerns of consumers.

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The Ombudsman model issues non-binding recommendations in areas it chooses to investigate. The OEB, however, is structured as a public tribunal where decisions are made and recommendations are strictly enforced, and they're enforced through fines, budgetary penalties and to possible revocation of an LDC's licence to operate for compliance breaches.

In addition to the OEB, LDCs are subject to oversight from several other government agencies, such as the Independent Electricity System Operator, the Ontario Power Authority and the Electrical Safety Authority, and we receive political direction from the Ministry of Energy and many others. We also follow the legislation and regulations from a number of acts and regulatory codes.

The distribution sector stresses the importance of providing customers with a clear path for complaint resolution. The EDA is concerned that the addition of an ombudsman confuses customers as to the appropriate path to escalate their complaints. The OEB already has

the function of an ombudsman by facilitating the interaction between LDCs and consumers when escalation is required. Right now, customers have the opportunity to escalate their concerns to the OEB if they are not satisfied with an LDC's response. Customers can also contact the OEB consumer division directly, as LDCs are required to inform their customers about their option to contact the regulator. In fact, the OEB's contact details are provided on our electricity bills.

The OEB also logs LDC complaints. In 2013, there were approximately 1,200 LDC-directed complaints, which represents a negligible percentage, with approximately 40 million in total number of customer bills issued annually in our sector.

The Ombudsman's mandate is to respond to systemic consumer issues about organizations within its jurisdiction. However, the OEB's distribution code—

The Acting Chair (Mr. Mike Colle): Thirty seconds.

Mr. Jim Hogan: —already provides the guidelines that address systemic issues when raised. Adherence to this code is an OEB condition of licence for LDCs. If the OEB finds new systemic issues in the LDC sector, they will consult with consumers, the industry and other stakeholders and amend the code in compliance.

The LDCs are held to a high standard of transparency and accountability. Another significant example of our transparency is the issuance of a scorecard. In 2013, we were required to prepare a scorecard and issue the scorecard posted on our websites. The scorecard evaluates our value, costs and service quality—

The Acting Chair (Mr. Mike Colle): Thank you.

The government side: Mr. Ballard.

Mr. Chris Ballard: Thank you for coming in. I'm glad we have your presentation in print form so that we can catch that last.

I'm fortunate in my riding of Newmarket–Aurora. We have two great organizations providing power. We have Newmarket Hydro and we have PowerStream, and I think both do a very good job.

One of the key things that I wanted to touch on before the question is the Ombudsman's oversight. My understanding of this bill is that it would be an enhancement of the transparency and accountability provided through the OEB, not a duplication; so we're looking for enhancement, not duplication.

But speaking of the OEB, and you spent a fair amount of time on it, with due respect for their work, what it has done in terms of consumer protection—and I come from a background where I was once executive director of a consumer advocacy group in Ontario, although that was many moons ago. I don't think the functions—they don't hold the same level of public attention, for example, the OEB, as the Ombudsman's investigations do, and they're often not focused on those consumer issues of fair treatment, system access or discrimination.

Taking those factors into account, do you think it would make more sense to have the oversight conducted by a third party, separate from the OEB?

Mr. Jim Hogan: The OEB is independent. They are a third-party organization that is the regulator. They have all the codes. They do get very involved in the customer complaints that go on. They invite customers to be involved in our rate applications. Consumer groups have to be there. They're all there.

Before we present our rate application from the Ontario Energy Board, we have to hold consumer surveys, we have to have focus groups, and we have to submit their feedback as to our services. We do our best to deal with the problems ourselves. However, there are the channels already for us and the Ontario Energy Board to solve all the problems. They're already there. That is the role of the Ontario Energy Board, and that's why we believe that it is duplication.

The Acting Chair (Mr. Mike Colle): Over to the PCs: Mr. Bailey.

Mr. Robert Bailey: Thank you for coming in today, Mr. Hogan. I appreciate your report and your submission.

I come from Sarnia–Lambton, so I have the pleasure of dealing with Bluewater Power and Hydro One on an ongoing basis. They both have a good response whenever I have complaints.

Could you elaborate on how this could impact the ratepayers—the cost to the ratepayer—if they implemented all or part of this, and how it would affect customers?

Mr. Jim Hogan: Customers are already paying for the oversight of the Ontario Energy Board. It's in the regulatory charge that's part of our fees. Each utility is slightly different. In Ontario—\$15 million to \$20 million—customers are already paying for the oversight, and that's throughout the province.

Whatever costs we would incur for the Ombudsman's oversight would be additional costs, whether that will be costs of our time or costs of whatever the Ombudsman does in order to get there.

So there is significant funding already going towards oversight of our sector, and it's through the Ontario Energy Board. Again, there are a lot of avenues for consumers to communicate with us and communicate with our regulator.

Mr. Robert Bailey: When you talk about increased costs, it would be in the filling out of reports. You'd probably have a staff dedicated just to filling out reports. This is what I always hear about most government agencies: "We're here from the government. We're here to help you," and then the people have to dedicate staff just to fill out reports, and then another group comes in the next month and wants the same stats but in a little different form. Are we looking at something like that?

Mr. Jim Hogan: Exactly. I'm not exactly sure what the format would be of the Ombudsman coming in and overseeing us, but there are definitely going to have to be some resources on the front line in order to fill out the reports, to look into the claims and whatever the issues are. Definitely, there's some funding there. I would assume there's some funding from the Ombudsman's

office, and that would be some additional costs that would need to be funded from some place.

When we file an application to the Ontario Energy Board for our rates, it's about a 1,000-page document, and now we're going to have to do something else for another agency. You need people and time and resources to do that.

The Acting Chair (Mr. Mike Colle): Over to Ms. Fife.

Ms. Catherine Fife: Thank you very much for your presentation. Actually, you're one of the few voices from your sector who have been able to comment on Bill 8, so I appreciate that.

I think we would completely agree with you that in the energy sector in particular, the oversight is very messy. I don't know if that's politically correct to say, but that's what it feels like—so many layers.

Do you think that the Ontario Energy Board, as a regulatory agency, would be able to make substantial and meaningful and, ultimately, systemic changes based on complaints that they hear from consumers, from the people of this province?

Mr. Jim Hogan: I believe they do. There are always changes to our codes, and many of the changes to our codes are from processes that customers get involved in. Probably one of the most important ones and one of the ones that we spend a lot of time on is how to assist our low-income customers. There's a significantly different process and significantly different resources because those customers need some extra help. The Ontario Energy Board, through communicating with customers and consumer agencies, has made a great deal of effort there for that group.

Ms. Catherine Fife: So this would happen through this public tribunal process? Is that—

Mr. Jim Hogan: That's right. They are quasi-judicial, and they have codes and rules as to how they go through the processes of changing our codes. They're very public. There are many consumer groups that do show up and participate. All these notices are publicly identified in all our local newspapers. There is a lot of input in those processes.

Ms. Catherine Fife: Speaking about input: Prior to Bill 8 or this new bill with 11 different schedules in it coming out, were you consulted and did you have an appropriate opportunity to give this feedback that you've given us today to the government?

Mr. Jim Hogan: The EDA was not consulted.

Ms. Catherine Fife: On this?

Mr. Jim Hogan: On this, yes.

Ms. Catherine Fife: Thank you very much.

Mr. Jim Hogan: You're welcome.

The Acting Chair (Mr. Mike Colle): Thank you, Mr. Hogan, for your presentation.

Mr. Jim Hogan: Thank you.

The Acting Chair (Mr. Mike Colle): We appreciate it.

Mr. Jim Hogan: You're welcome.

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ONTARIO COUNCIL OF HOSPITAL UNIONS

The Acting Chair (Mr. Mike Colle): Next we have, from the Ontario Council of Hospital Unions, Michael Hurley, the president. Michael?

Mr. Michael Hurley: Thank you so much for the opportunity to present today. The area of the legislation that I'd like to focus on is the exclusion of the Ontario hospital system from oversight by the Ombudsman.

I've brought for you a patient care hotline which our union produced this year, which deals with the stories of patients who have had, generally speaking, unfortunate and, in many cases, tragic experiences with the hospital system which, if dealt with individually, we might think are a shame or regretful, but the fact is that in some of these cases—and I'll give you the example of hospital-acquired infections—we know that approximately 4,000 Ontario citizens will check into our hospitals for a hip replacement or some other procedure and will pick up MRSA, C. difficile or another superbug and will die. Some 4,000 will die every year.

The British Minister of Health, who's a Conservative, addressing the health care leadership in Britain, said, "Don't you think that if a jumbo jet was falling out of the sky every week"—which is the equivalent—"the aviation industry might get its act together and deal with this to stop the carnage?"

The truth is, the Ontario hospital system tolerates—and the Ministry of Health tolerates—an unacceptably high level of patient mortality. This is a systemic problem. This is not the problem of an individual patient who has a misfortune. This is a problem of a person who encounters something that's statistically probable for people in Ontario. These kinds of systemic questions, the hospitals will be aloof from.

Drawing any conclusions about the experiences of individuals to change the system; to have an ombudsman who is focused on the individual rather than the systemic; to have an ombudsman for patients who is not appointed by the Legislature but is in fact an appointee of the health council; to allow the hospitals to continue to be exempt from oversight; to allow them to continue to operate as they do, without transparency—and although they're subject to certain budgetary requirements or legislative requirements, for example, to involve people in their budget processes, we would say that that rarely happens in any substantial way.

These are institutions that cry out for oversight. These are institutions that cry out for the attention of the provincial Ombudsman, not some patient ombudsman. We would see that office as being sort of a fraudulent exercise, to allow people to have a place to complain without it resulting in the kind of systemic change which is often required.

The Acting Chair (Mr. Mike Colle): Thank you, Mr. Hurley. We have three minutes of questioning, starting with the PCs: Ms. Martow.

Mrs. Gila Martow: Hi. Thank you very much for your presentation. I was working in a hospital, and what I would want to ask you about is that a lot of the people in the hospital whom patients may be complaining about already have professional boards. They have colleges that the patients can already go to. We have an incredible system of complaints in terms of the health care system—nurses, doctors and technicians, and even myself, as an optometrist—so that's why I would ask you why you feel that patients don't have enough representation in terms of all the professional associations.

Mr. Michael Hurley: A patient with a malpractice problem—it's an excellent question—obviously can lodge a complaint with one of the regulatory bodies, one of the colleges. But what's absent here is someone who's connecting the dots between these individual patient experiences which, when examined together, show up to be a statistical tendency, which needs to be addressed in order to avert tragedy for others. I think that's the piece that's missing.

Mrs. Gila Martow: Okay. Thank you very much.

The Acting Chair (Mr. Mike Colle): Thank you. Ms. Fife for the NDP.

Ms. Catherine Fife: Thank you for your presentation. I think we all have a thorough understanding of where you're coming from. Last session, when this came forward through Bill 179, you called that piece of legislation at the time “a mockery of a legitimate complaints process for hospital patients and long-term-care residents.” Do you still feel that way about Bill 8 as it's presented to us in this Legislature?

Mr. Michael Hurley: Well, I don't think that it is an honest complaints process and I do think that it leads people to believe they have a complaints process that can result in change without it actually being able to deliver that, and I don't think it's intended to deliver that. So in that respect—thank you for reminding me—I do think it's a mockery.

Ms. Catherine Fife: Thank you, and we share the concern on this. I mean, it makes no sense whatsoever to bring Ombudsman oversight and leave the H out of the MUSH system for us.

The report that you presented us is really interesting. You cite that, today, 75% of the home care service providers are for-profit. This is a particular area of concern for us, because the patient ombudsman would not be able to go to a for-profit retirement home, if you will, or home care facility without giving due notice or securing a warrant. Can you touch on that, please?

Mr. Michael Hurley: That's obviously a real concern because, not only in the area of long-term care but in terms of acute care, services are moving from hospitals into private and sometimes for-profit settings, which would mean that they also would be exempt from oversight. We have this problem also in the community sector, with corporations delivering home care services to massive swaths of the population geographically who also then would be impeded from pursuing a complaint in a meaningful way, although they would have been misled

into believing they had such a complaint process by virtue of the legislation.

Ms. Catherine Fife: Thank you, Michael. I think your point around that this is patient-focused and does not address the systemic issues at play in the health care system—can you leave us with a few thoughts as to why you think the H was left out of the oversight, if you will, the hospital sector?

Mr. Michael Hurley: Two reasons come to mind. One is that the hospitals are incredibly powerful organizations in their communities and they still have enormous political influence. The second is that if you were to connect the dots, you would be left with some systemic conclusions which might have financial liabilities for the province. But the truth is, the cost to us of not dealing with remedying things like the hospital superbug problem, which is costing us hundreds of millions of dollars a year, probably outweigh any liability to us and—

The Acting Chair (Mr. Mike Colle): Thank you, Mr. Hurley. We've got one more round here.

To the government side. Mr. Baker.

Mr. Yvan Baker: Thanks very much for coming in. I appreciate it.

Now, you've raised a number of issues. A couple of the issues that stood out to me that you raised are around the need for oversight of hospitals. You also talked about the need “to connect the dots”; I think that was the expression that you used, so identifying issues in different parts of the health care system and identifying trends and therefore addressing those trends.

I think that's exactly what this bill aims to do in a couple of ways.

First of all, we've taken a sector-specific approach. You've got someone, the patient ombudsman, who is an expert in the health care system and will be able to oversee hospitals, long-term-care centres and CCACs. What that means is they've got the experience, but they have also got the ability to oversee and connect those dots throughout those various elements of the system that I was talking about.

In terms of housing it in Health Quality Ontario, what that allows the patient ombudsman to do is to immediately have an impact on addressing the issues that have been raised. As issues are raised and as those dots get connected that you were talking about, there's really an opportunity for Health Quality Ontario, which is mandated to improve the quality of health care, to act on those things. I think the priority has been put on making sure that we can correct those things as soon as possible.

On the point of the independence, a number of steps are being taken to make sure the patient ombudsman would be independent. One is around making sure that he or she has a separate dedicated budget, and that their reports be disclosed publicly and not just to the minister. It's not a secretive process. It would be a public process, so everyone—patients, taxpayers—would be aware of what those recommendations are and what those concerns are. They have a clear mandate, and HQO is an arm's-length organization.

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I guess my question to you is, when you think about the issues that you've raised and the need for oversight of hospitals and other elements of the health care system, how important is it, do you think, to have someone in that role who is an expert, who is focused on the health care sector?

Mr. Michael Hurley: I think what's important is that the person have integrity and be perceived to be independent and have the powers that are necessary to conduct investigations, including systemic investigations. I think it's odd that we would exempt the largest single budget item in Ontario from oversight by the Ombudsman and that we would put in place somebody who won't have the power to do the kind of systemic oversight that the Ombudsman would have. In that respect, I think it's a bit of a fraudulent exercise.

Mr. Yvan Baker: Okay. Do I have time?

Mr. Mike Colle: Twenty seconds.

Mr. Yvan Baker: Okay. First of all, the person has to have the independence and they have to have the capabilities. We talked about the capabilities and them being specialized and sector-specific, but the idea that they are independent, I think, again, is enshrined. They've got a separate budget. They're going to have a clear mandate. They're going to have to disclose publicly. I think these are some of the things that at least my constituents in Etobicoke Centre want. When complaints are raised, they want them acted on right away.

The Acting Chair (Mr. Mike Colle): Okay. Time is up. Thank you.

Mr. Michael Hurley: Judges don't have to be doctors in order to hear malpractice suits. I mean—

The Acting Chair (Mr. Mike Colle): Thank you for your presentation.

Mr. Michael Hurley: Thank you very much.

OFFICE OF THE AUDITOR GENERAL, CITY OF OTTAWA

The Acting Chair (Mr. Mike Colle): The next presenter is from the Office of the Auditor General of the city of Ottawa: Ken Hughes, the Auditor General of the city of Ottawa. Mr. Hughes, welcome.

Mr. Ken Hughes: Thank you, Chair and members of the committee. Let me begin by thanking you for the opportunity to address you in relation to this important bill.

My name is Ken Hughes. I am the Auditor General for the city of Ottawa. As an Auditor General, accountability and transparency are paramount. I am before you to draw your attention to areas of the bill that may cause confusion.

The Ombudsman provides an essential voice for citizens who have been personally affected by a decision, recommendation, omission or action of the government. This important function is outlined in section 14 of the Ombudsman Act.

An Auditor General's role is to follow the citizens' tax dollar to ensure that value for money, economy, effi-

ciency and effectiveness are received from government operations. This is a vital function. Both the Auditor General and Ombudsman roles are necessary. Both roles, in my opinion, are complementary; however, it's imperative that both roles not be confused.

Under the Municipal Act, as an Auditor General, I assist city council "in holding itself and its administrators accountable for the quality of stewardship over public funds and for achievement of value for money."

My office performs independent, objective and systematic audits of how well city staff are managing their activities, meeting their responsibilities and using the resources under their purview. The Municipal Act gives me the responsibility of holding administrators accountable.

It was Mr. Desautels, the Auditor General of Canada from 1991 through 2001, who personally laid out the design of the Offices of the Auditor General in both Toronto and Ottawa and participated in the drafting of the municipal bylaws. Both the Ottawa and Toronto offices are successful Auditor General offices and their councils implement the audit recommendations prepared by the Auditors General.

To date, the Ottawa Auditor General's office identified over \$50 million in savings for taxpayers. This equates to a 3.75% municipal tax saving each and every year to the taxpayer. On our budget of less than \$2 million, every dollar invested in the Office of the Auditor General returns over \$19.

Similarly, the website of the city of Toronto shows that in the last five years the Office of the Auditor General delivered savings of approximately \$223 million.

There are many other valuable findings from the audits and reviews that cannot be quantified. One would have to agree that the Ottawa and Toronto offices and the provincial and national Auditor General offices demonstrate that, when properly set up, Auditor General offices are a key tool in improving accountability and transparency.

Recently the Ombudsman was quoted as saying that the installation of Auditors General in several Ontario municipalities was a "flavour-of-the-month" trend that can only be seen as a "dismal failure." The institution itself is not a flavour-of-the-month trend. The Toronto and Ottawa offices are not failures. I am sure that Mr. Desautels saw the Auditors General role in municipalities as a key component of good governance, not just a passing fad.

With no cohesive network, however, and with the provincial Auditor General not having municipal oversight, some smaller Auditor General offices were not set up properly. This does not mean that the institution is a passing fad, but it's a situation that needs the right attention.

Recent news articles suggest that the Ombudsman may now be looking into the finances of jurisdictions, including looking at expenses, possible fraud, as well as other matters. These duties are not an Ombudsman's traditional role. The duties would have been the Auditor

General's responsibilities, were there one appointed. So there is a gap, and this bill has shed light on that gap.

Turning to the best approach, the Auditor General for Ottawa is best positioned, in my opinion, and the right person to address any financial and value-for-money matters. However, the provincial Auditor General's jurisdiction must be extended to the municipalities, especially in those municipalities without Auditors General.

Alternatively, the Legislature may consider codifying the Auditor General municipal role as a requirement, as other provinces have done in their legislation. For example, in Quebec, municipalities with populations greater than 100,000 must have an Auditor General. In British Columbia, they have a provincial municipal Auditor General.

The Acting Chair (Mr. Mike Colle): Thirty seconds.

Mr. Ken Hughes: In closing, I make two important recommendations. I respectfully recommend that this committee exclude the Ombudsman's powers in the bill from issues related to the traditional Auditor General's responsibilities.

Further, I recommend that the committee endorse as an immediate next action that the jurisdiction of the provincial Auditor General be extended to include municipalities.

Both of these recommendations, if implemented, will ensure that a seamless transparency and accountability framework that avoids duplication and confusion exists. It will allow Ontario's Auditor General to follow the dollar across the province instead of being shut out of reviewing municipal spending.

The Acting Chair (Mr. Mike Colle): Thank you, Mr. Hughes.

Starting with the NDP: Ms. Fife.

Ms. Catherine Fife: Thank you very much. You make a very compelling argument for the amendments you propose. I'm curious, because we've had several very well-informed people come forward who have a relationship with this government, as you point out. You've worked collaboratively, if you will. Did you get a fair opportunity to make this case to the government prior to this bill coming forward?

Mr. Ken Hughes: I was not contacted by anyone about this bill. I followed it in the media and I followed it in the information that is on the Legislature's website.

Ms. Catherine Fife: And then you travelled here?

Mr. Ken Hughes: And then I travelled here.

Ms. Catherine Fife: Okay. Well, thank you very much for coming. I appreciate the particular amendments that you've put forward.

Mr. Ken Hughes: You're very welcome.

The Acting Chair (Mr. Mike Colle): Thank you. Over to the government side: Mr. Baker.

Mr. Yvan Baker: Thank you very much for coming. I appreciate it. There are a number of points you made and there are a couple of points that stood out for me. One is about increasing the need for accountability and oversight for the municipalities—and thank you for the important work that you do as part of that. I think it's really important work.

You also talked about avoiding duplication. Just briefly, just to recap a little bit, we have about 444 municipalities in the province, of course, and about 1% have an ombudsman and about 10% have an integrity commissioner. In 2013, about 1,600 complaints were received by the Ontario Ombudsman concerning municipalities, which I think speaks to the point about extending Ombudsman oversight to municipalities. There's obviously a demand there.

On the issue of duplication, though, one of the key elements of this bill, which I think is a positive one, is the fact that the Ontario Ombudsman would not duplicate in that the Ontario Ombudsman would not oversee or be involved until all local processes had been exhausted, and that includes the auditor. So to my mind, this is a situation where we need an ombudsman who, as you pointed out, can provide oversight to municipalities, but only once the local municipality has taken whatever steps it has in place to ensure accountability and oversight.

I guess my question to you would be, can you talk a little bit about the importance of ensuring that the Ontario Ombudsman has that oversight over municipalities?

Mr. Ken Hughes: I think I said that the oversight over economy, efficiency and effectiveness and following the dollar should rest with an auditor, someone like the provincial Auditor General. In this province, an Auditor General is optional. I would have to admit there have been some false starts with some Auditors General, but I believe that if you extend, as they have done in other provinces, the oversight of the provincial Auditor General to all municipalities, we'll fix that gap, and it's a gap that is made perfectly clear with this bill.

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In my view, that oversight rests with the provincial Auditor General, and I think an Auditor General working in concert with an ombudsman, who responds to the complaints of an individual, will ensure that we've got a complete accountability and transparency framework in this province. I don't think anyone in this room would disagree that an Auditor General, when properly implemented, is a valuable and an important function. Our federal Auditor General is certainly doing some very good work in Ottawa. We see it every night on the television.

I can say that both in the cities of Toronto and of Ottawa, where a serious effort was made, they took the job seriously and they implemented that function. They're often not happy with the reports that we deliver—because we have that independence, and we bring things to the fore, a lot of the warts that people don't want to see—but at the end of the day, they implement the recommendations that we, as Auditors General, bring forward in Ottawa and Toronto.

The Acting Chair (Mr. Mike Colle): Thank you, Mr. Hughes. Now from the PCs: Mr. Bailey.

Mr. Robert Bailey: Thank you very much. I was very interested in your recommendations and your proposals. I certainly could see the benefit to the Auditor General. Are there any provinces that presently have Auditor

Generals who look after municipalities, like in the west or in the east?

Mr. Ken Hughes: Absolutely. In British Columbia, it's actually an interesting framework. They have a provincial Auditor General, and then they have an Auditor General for municipalities, and that Auditor General has responsibility for all municipal activities in every municipality in the province. There are no municipal Auditors General in British Columbia, but this fills that gap. They identified the same gap that we have here in Ontario, and that's how they filled it.

Mr. Robert Bailey: And that's how they did it. Okay. That's good.

Mr. Ken Hughes: In the province of Quebec, what I think is very interesting is not the option of having an Auditor General but the requirement to have an Auditor General within the municipal act. In that act, not only is it compulsory if your population is greater than 100,000, but it actually dictates the minimum budget that must be set aside for the Auditor General in that municipality.

Mr. Robert Bailey: Thank you.

The Acting Chair (Mr. Mike Colle): Thank you very much, Mr. Hughes.

Mr. Ken Hughes: You're very welcome.

OFFICE OF THE AUDITOR GENERAL OF ONTARIO

The Acting Chair (Mr. Mike Colle): The next presenter—talking about Auditor Generals—is from the Office of the Auditor General of Ontario, Ontario's Auditor General, Bonnie Lysyk.

You have five minutes, and then there will be a round of questioning.

Ms. Bonnie Lysyk: All right. Thank you. Good afternoon. My name is Bonnie Lysyk. I am the Auditor General of Ontario. Thank you for the opportunity to speak to you today about Bill 8. I am providing a paper and attachments that identify four issues. In the essence of time, I will speak to three of them.

Bill 8 seeks to bring more accountability and transparency to provincial affairs, which is always desirable. It has also led to a useful discussion about creation of a patient ombudsman, expanded authority for the Provincial Advocate for Children and Youth, and new powers for the Integrity Commissioner.

At the same time, however, I want to share my concerns about one aspect of the bill: schedule 9, the proposed amendments to the Ombudsman Act. I believe schedule 9 has wide-reaching implications. I take the view that schedule 9 blurs the line between the roles and responsibilities of an ombudsman and an Auditor General. This creates the potential for confusion over our respective legislative responsibilities.

Under the Auditor General Act, the main focus of my office is the objective and unbiased examination of financial and systemic issues within provincial ministries, agencies and the broader public sector, including universities, school boards, hospitals, long-term-care homes and

children's aid societies. Most of my staff work on systemic audits to assess whether the government and the broader public sector spend taxpayer money with due regard for value for money and whether services delivered are commensurate with the money being spent. Along with the Standing Committee on Public Accounts, my office holds the public sector and the broader public sector accountable to the Legislature and the citizens of Ontario for their use of public monies. We perform our work in accordance with the standards and professional conduct of the CPA Canada.

Under the Ombudsman Act, the Ombudsman's office takes complaints directly from the public and investigates these complaints to determine if they are justified. The Ombudsman provides a valuable service to citizens, who deserve to have their complaints heard, and his annual reports provide insight into the issues people are facing. Citizen complaints deserve to be heard by an independent body, and we believe that the Ombudsman Act clearly states this is the intended mandate of the Ombudsman.

The Ontario Ombudsman has publicly stated that he will be conducting systemic investigations, including in areas where he has not received a single complaint. I am concerned that the consequence of this is that the Legislature will have two officers with the same mandate—in essence two Auditors General doing systemic audits of their own choosing.

Under section 15 of the current Ombudsman Act, "the assembly may make general rules for the guidance of the Ombudsman in ... his or her own functions under this act." If the committee believes that the role of the Ombudsman should be focused on protecting individual rights through the investigation of complaints, the intent of section 15 is certainly that the Legislature can provide guidance.

In the spirit of seeking clarity around the role of the Auditor General and the role of the Ombudsman, I'm submitting a suggested amendment to Bill 8, which is contained in my written submission.

Schedule 9 would give the Ombudsman new powers to conduct systemic investigations in municipalities, and the current Ombudsman has already publicly said that he "can't wait to oversee" the finances of a particular municipality; there have been many similar comments. This is leading to confusion between the traditional role of an Auditor General to deal with financial and systemic issues, and the traditional role of an Ombudsman to investigate individual complaints as a last resort to remedy an issue that is not already being addressed.

Under section 9 of the Auditor General Act, we already have the follow-the-dollar authority to audit provincial grants to municipalities. However, we do not have the statutory power to carry out systemic audit work on municipal operations.

If the intent of Bill 8 is to extend independent oversight to a wider range of municipal operations and enable systemic audits and the review of financial issues, we believe this could best be done by an Auditor General, whether this is my office to fill the gap for municipal-

ities that have no Auditor General, or through the creation of a provincial municipal Auditor General for municipalities that have no Auditor General, similar to the recently created position of municipal Auditor General for British Columbia. To ensure that the right role is in place for municipal oversight in the form of systemic audits, the Legislature may want to consider this in discussion with key municipal stakeholders.

The current Ombudsman Act allows the Ombudsman to enter premises occupied by an organization under investigation. This is certainly appropriate, and we have a similar section in the Auditor General Act. However, schedule 9 of Bill 8 would also allow the Ombudsman to enter a private dwelling to conduct his investigative work when a justice of the peace issues a warrant allowing this. No such power is vested in any Auditor General or Ombudsman in Canada. This is something that I believe warrants careful consideration by the committee. I would be strongly opposed if such an amendment was ever proposed to the Auditor General Act. I believe that these powers rightly belong only with our law enforcement agencies.

Sorry for speeding through that; I had five minutes. I'd be pleased to take your questions.

The Acting Chair (Mr. Mike Colle): That was excellent timing. I forgot to warn you about the 30 seconds. Thank you, Ms. Lysyk.

Now we have questions, starting with the government side: Mr. Baker.

Mr. Yvan Baker: Ms. Lysyk, thank you so much for coming in. Let me just first of all thank you for all the work that you do. My background is in the private sector, and I certainly appreciate the kind of work that you do and how important it is to ensuring, particularly, fiscal and financial accountability in government, so thank you for that.

Ms. Bonnie Lysyk: Thank you.

Mr. Yvan Baker: From my understanding, if I may, here's how I understand the roles of the Auditor General: as being an officer of the Legislative Assembly whose office conducts financial and value-for-money audits of the provincial government's ministries, crown agencies and crown-controlled corporations, whereas the Ombudsman's powers include the investigation of any decision or recommendation done or omitted in the course of the administration of a governmental organization. The Ombudsman's office oversees and investigates the provincial government's ministries, crown corporations, tribunals, agencies, boards and commissions.

I guess my question to you is: What do you feel are the distinctions?

Ms. Bonnie Lysyk: I'm sorry?

Mr. Yvan Baker: What do you feel are the distinctions between your role and that of the Ombudsman?

Ms. Bonnie Lysyk: We have an attachment 1 which compares our mandate to the Municipal Act to the City of Toronto Act and the city of Ottawa's Auditor General and to the Ombudsman Act. That's at the back of attachment 1.

We basically have scope over the broader public sector—universities, school boards and hospitals. Our job is to look at systemic issues—we call them audits and value-for-money audits—that impact people who use those systems. So we are the ones sitting back and providing a report to the Legislative Assembly—yourself and your members—to say, “Here what needs to be fixed or addressed,” and to bring it to the awareness of the assembly.

The Ombudsman, in my mind—and by virtue of the act—has a complaints-based mandate, and it's the point of last resort. Right? People who have issues deserve to have those issues handled, and they do a good job. But I think at the end of the day, the work of systemic—looking at systems and how things work and the finances of organizations—is the bailiwick of Auditors General.

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My concern would be that there would be confusion, because there is already in the media, from what I'm following—and I'm not a follower of a lot of that. But I find it unhealthy that there are messages being sent out that confuse the roles.

Mr. Yvan Baker: Is there time left?

The Chair (Mr. Grant Crack): About 36 seconds.

Mr. Yvan Baker: Could I quickly ask you, in the time we have remaining, just to talk a little bit about how, in your experience, you've worked with the Ombudsman for the benefit of taxpayers?

Ms. Bonnie Lysyk: When our office receives citizen complaints, we're not fitted to deal with individual citizen complaints. Some of them are really hard to hear and they need to be addressed. We refer those to the Ombudsman's office. That's what we do. We don't have the other communication back from the Ombudsman's office into our office at this point in time. I think that would be a very healthy conversation. We have had situations where we've started an audit, and I had a team working in an area, and all of a sudden the Ombudsman was going to do something in the same area, so we pulled out.

Having said that, I think there should be that relationship, but I think the distinction is this: Ombudsman, complaints-based; Auditor General, systemic audits.

Mr. Yvan Baker: Thank you very much.

The Chair (Mr. Grant Crack): Okay, thank you. We shall move now to the official opposition: Ms. Martow.

Mrs. Gila Martow: Thank you so much for coming in and clarifying. It is quite apparent that there are some blurred lines. I think the public wants to know where they go to with their complaints. That's the basis of why we're all here today. There are a lot of frustrated people out there, and I think the Ombudsman has shown himself to be very available to people. Some people are critical of it. Personally, I've always enjoyed following him on Twitter and social media, but I can see how that can also get you into trouble. We all are aware.

What I'm asking you is—and you already answered the question a little bit—is there a way to have it that the public can go to one body and then be directed appropri-

ately? Either this is something for the Ombudsman, or this is something for the Auditor General. Is this something to take to the minister? With all of the social media and computers and cellphones, it's so easy now to communicate with each other. Would you advocate for that kind of a model?

Ms. Bonnie Lysyk: That's how I believe it should operate. I think individual complaints go to the Ombudsman. There are issues that are broader, that fit into our mandate, that may have stemmed from complaints. I think that's where the healthy referral back into our office would be beneficial. That's why I point out that in section 15 of the Ombudsman Act, there is the ability for the Legislature to provide some guidance as to what that interface is between our offices.

But my concern is that the choosing of systemic audits—if you have two officers of the Legislative Assembly doing that, you have two Auditors General in Ontario. If the committee wants two Auditors General, I respect the Legislature's decision, and I respect your choice, but I think I'm here to say that that's what I see happening in this situation.

Mrs. Gila Martow: I would just finish by saying that nobody wants to see the process slowed down by complaints. We all know that people have a right to have their complaints heard, and a lot of the time their complaints are valid. But sometimes it's just to slow down the process of whatever the municipality or ministry is trying to move forward on, and that's not what we want. I think by having too much confusion, we'll just be slowing down the process. Thank you.

Ms. Bonnie Lysyk: Yes.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the NDP: Ms. Fife.

Ms. Catherine Fife: Thank you very much for the presentation. I'd just like to publicly thank you for the work that you did on the gas plants situation. You really did follow the numbers, and when you follow the numbers, you really do follow the real priorities. So I do want to commend you for that.

Your presentation today—obviously, there are two areas that I'm interested in. The blurring of the roles of Auditor General and Ombudsman—maybe I might paraphrase you, but you said you may be investigating in one sector and then if the Ombudsman wants to come in, you pull out. Can you shed some light on that, please?

Ms. Bonnie Lysyk: Okay. We were actually doing a review at Hydro One of the billings and smart meters.

Ms. Catherine Fife: Yes, good.

Ms. Bonnie Lysyk: Then we found out there was a press conference announcing that the Ombudsman was going to look at billings inside of hydro. I hadn't come out and publicly said I was doing anything there, so in that case it seemed the best thing to do was just to scope down our audit.

Ms. Catherine Fife: You're navigating through some politics, I'm sure, on a regular basis. So you're concerned about crossover between the two offices?

Ms. Bonnie Lysyk: I'm concerned that the public will have a certain impression of the Ombudsman's office

which isn't—an office that you go to with complaints and that your complaints get resolved. I'm concerned that the office will be going into financial work, going into work that I think should have the forum of the Legislative Assembly.

When we do systemic reports, they are given to the Legislative Assembly, tabled and referred to the Standing Committee on Public Accounts. I think it makes people more accountable when information on their processes goes before the Standing Committee on Public Accounts, because it allows you, the Legislature, to invite the people who are discussed in those reports and ask them questions. That, I think, is the power that goes with having the Auditor General's office do this on your behalf. You now are engaged in dealing with citizens' issues as well.

Ms. Catherine Fife: I think your clarification is that the Ombudsman runs a complaints process and you're trying to address issues from a systemic piece.

While we didn't vote for this piece of legislation for a number of reasons, the challenge or the tension will be between the systemic issues that the Ombudsman should be looking at—and I could see greater collaboration, I think. If the provincial Ombudsman, for instance, could actually address systemic issues in the health care system, which, of course, is not going to happen in this instance, then you could follow the money, and then we could have a very clear picture of what's actually happening in the health care sector, which is the largest budget item in the province of Ontario.

Ms. Bonnie Lysyk: We actually do a considerable number of audits within the health care system. We go into the hospitals. We go into the long-term-care homes.

My point on this is, the Ombudsman has a complaints-based authority, and I think it's appropriate that that function handle complaints. If the complaint leads into looking at something a little bit broader, as long as it's brought back to the purpose of the act, I have no issue with it. It's the ones where all of a sudden there's something in the press and now there's not a complaint in the office, but there is an execution of an audit or a systemic review.

As independent officers, we have to be really sure that we're spending our time on the right issues. If a ministry or if a hospital or—if people are dealing with the issues, we have to be appreciative that there are issues that need to be handled by the organizations that have the responsibility to do something.

Having said that, as a place of last resort and to get people's issues dealt with, I think the Ombudsman is the right place for it. It's not us. But for systemic audits, we have the expertise. That's our field. We have the forum in the Legislative Assembly. That's us.

Ms. Catherine Fife: Thank you.

The Chair (Mr. Grant Crack): I was supposed to cut you off before, but it's very hard to cut off the Auditor General.

Ms. Bonnie Lysyk: Thank you for that.

The Chair (Mr. Grant Crack): Thank you for coming.

CONSTITUTIONAL RIGHTS CENTRE INC.

The Chair (Mr. Grant Crack): It gives me pleasure right now to welcome Rocco Galati, the executive director of the Constitutional Rights Centre Inc.

Ms. Catherine Fife: Chair, while Mr. Galati is getting seated—are we going to be discussing the previous issue with regard to the Ombudsman and filming of the—is that coming up?

The Chair (Mr. Grant Crack): If we have time at the end, we can, yes.

Ms. Catherine Fife: If we have time to talk about it—or it's going to happen?

The Chair (Mr. Grant Crack): It depends on 6 o'clock.

Welcome, Mr. Galati.

Mr. Rocco Galati: Thank you very much. I'm here with my co-director, Paul Slansky, who is probably Canada's expert on search and seizure.

We are addressing two basic issues with this bill, which we only learned of on Friday. One is the role of the Auditor General and the second is the search provisions, which we see as Soviet search provisions that have never been seen before in our law.

The position of the Auditor General is a constitutional one. It goes back to 1176. From 1176 to 1834 the Chancellor of the Exchequer effectively was the Auditor General. In 1866, the finance ministry and the exchequer combined the Comptroller-General of the Exchequer with the Commissioner of Audit.

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What that means in Canadian terms is that, because this was so in 1866 and the function, historically, emanates from the Magna Carta, with the requirement that only Parliament can impose taxes and with the citizens' right to no taxation without representation, in 1867, when the federal and provincial auditors were established, they were constitutionally entrenched as part of the Legislature.

All budget processes have two aspects to them: taxing and spending. When Her Majesty comes into the House in the speech from the throne, it's to get the consent of you, the elected officials for the commons, to impose the taxes that are going to be spent. Historically and constitutionally, that's what the Auditor General ensures: that those are properly spent. Anything that blurs, confuses or crosses over from the Ombudsman to the Auditor General is unconstitutional. There are no two ways about it. Certainly, if the Ombudsman ever tries to use the search provisions against the Auditor General, that is the most flagrant constitutional violation.

We are recommending that an amendment be added to the bill, as 14(4)(c), to read as follows, and it's in our executive summary, which is one page: that in addition to the judiciary and the cabinet, the Ombudsman cannot review or look at "the Auditor General of Ontario and the auditor of any municipality, appointed by the elected council of that municipality."

Municipal auditors flow from the creation of the Legislature to the municipalities. If they have an auditor

general, he or she enjoys the same constitutional protection as the provincial and federal ones. If they don't, then it's the Auditor General for Ontario, like it or not, who is responsible for tracking expenditures and making sure those expenditures were consistent with the taxing power.

This bill seems to assume that the Auditor General is merely a creature of statute. The Auditor General is not. It's a constitutional position that cannot be infringed by the terms of the Ombudsman Act.

With that, I'll leave the rest of the time to Mr. Slansky on the search provisions.

Mr. Paul Slansky: I'll try and be as brief as I can.

Section 25(2.2) authorizes searches of dwellings. This gives rise to two concerns. Generally, searches of dwellings will be unconstitutional if they do not meet the *Hunter v. Southam* requirements. Secondly, it could cause problems with respect to the fruits of investigations that may interfere with criminal and quasi-criminal investigations.

There are a couple of basic points that need to be made. If a search power or other power deals with or interferes with criminal law powers, then it will be unconstitutional as a division-of-powers issue with the federal government, according to Starr and a series of other cases. Here the search provision allows searches of dwellings, where the expectation of privacy is one of the highest known to Canadian law. The Supreme Court of Canada discusses it as the traditional concept of one's home as one's castle, and it's required that there be reasonable grounds to believe that an offence has taken place and reasonable grounds to believe that there will be evidence of that offence found during the search. This provision only requires that there be reasonable grounds to believe that the investigation is necessary, which does not meet those minimum constitutional requirements and therefore is unconstitutional.

That's all I really have time for. There is a fairly detailed document that has been provided, about 20 pages long, that sets out in detail the constitutional problems with this legislation and specifically this search power. We say that it should not be part of this bill. It either should just be taken out or it should be sent to the Attorney General for further consideration.

The Chair (Mr. Grant Crack): Okay. Thank you very much.

Mr. Paul Slansky: Thank you.

The Chair (Mr. Grant Crack): We'll move to Mrs. Martow.

Mrs. Gila Martow: Thank you very much for your thorough report and for your presentation. I just wanted to comment that you're not the first person to bring up the search warrants. I think the problem becomes that it's not necessarily just private homes. It's if people are in group homes or people are in foster homes.

Do people who are operating a group home—and I'm not asking the question; I just wanted to make the comment on the record, Somebody who is in a group home, somebody who is in foster care—do their rights of supervision trump the privacy of the homeowner who is

maybe caring for an individual? But thank you very much for coming.

The Chair (Mr. Grant Crack): Thank you. Ms. Fife.

Ms. Catherine Fife: Thank you. I think that was a very thorough presentation, and I appreciate it.

The Chair (Mr. Grant Crack): Thank you. Mr. Colle.

Mr. Mike Colle: Thank you, Mr. Galati, and your colleague, whom I've never met before, Mr. Slansky. I wanted to just thank you for the incredible work you did at the Supreme Court on behalf of the people of Canada. A poor lawyer from College Street taking on the Supreme Court—we're very proud of your work in the Italian community. Anyway, I won't flatter you anymore, but—

Mr. Rocco Galati: I hope we don't have to take on the Ombudsman.

Mr. Mike Colle: It may be a bigger fight than the Supreme Court.

But anyway, you raised some very concerning issues here. We've heard this reference to the power of search. My question to you is, if for some reason there—I think in the legislation it says there is a search warrant that may be issued, and the Ombudsman or his officials could then enter if the search warrant is issued. Would that still essentially violate the basic constitutionality of a person's domain being his castle?

Mr. Rocco Galati: Go ahead.

Mr. Paul Slansky: Yes is the simple answer to that question.

Mr. Rocco Galati: The answer is yes.

Mr. Paul Slansky: The Supreme Court of Canada, in a case called *Feeney* and—it goes back to Hunter and Southam. It goes into great detail as to why the privacy in one's home or residence, including a group home or any place where someone lives, is one of the most—

Mr. Mike Colle: It could be a nursing home, for instance.

Mr. Paul Slansky: Yes, any place where a person lives, even if it's a shack. There's a case involving someone living in a shack. It's still their residence. It's still their dwelling. You need to meet the rigid constitutional standards of Hunter and Southam to get a warrant, and this provision clearly does not do that.

Mr. Mike Colle: Thank you. I think that's a very important thing that you've brought to our attention that we're going to have to take a look at—a very serious issue you have raised.

The second question I had for Mr. Galati is that you talk about the constitutional power of an Auditor General. The Office of the Auditor General at the provincial level or the federal level would certainly be under the auspices of the constitutional legacy going back to the Magna Carta. What about the fact that the municipal Auditor General, like in Ottawa and in Toronto, has been created by a municipal bylaw and not by a specific provincial statute? I'm just wondering whether that sort of clouds the responsibility there.

Mr. Rocco Galati: It doesn't cloud it if the power to make the bylaw to elect an Auditor General or an auditor is properly implied or readable into the municipal act that creates the municipalities. If it's not, then it reverts back to the Auditor General for the province. If it is, the municipal councils are elected bodies through provincial legislation, and so their bylaws, in my view, constitutionally, should be able to mimic the provincial and federal Auditor General system and have the same constitutional provisions.

The Chair (Mr. Grant Crack): Thank you, both gentlemen, for coming and appearing before committee this afternoon.

Before we bring up the next presenter, Ms. Fife wanted to bring to our attention the taking of photos. I want to just make it clear what the Speaker's ruling was on November 19, and I'll just paraphrase it. It is never permissible for pictures to be taken from your BlackBerry or other devices in the chamber or in committee. That applies to members. There has been no mention to date of pictures in committees taken by press, for example, or any other groups or organizations—

Mrs. Gila Martow: What about members' staff?

The Chair (Mr. Grant Crack): I would consider that, as Chair, members.

Mrs. Gila Martow: Okay.

The Chair (Mr. Grant Crack): If the committee would like to have a short discussion on what they would like to see—

Ms. Catherine Fife: So just to clarify, based on the Speaker's ruling and based on precedent, if the Ombudsman would like to tape today's delegation, he is entitled to do so.

The Chair (Mr. Grant Crack): Well, I'm going to ask the committee for a consensus on this.

Ms. Catherine Fife: If precedent has already happened in this committee, I think that precedent has been set, and we should follow due process.

1730

The Chair (Mr. Grant Crack): Any other discussion? It's going to be a short discussion. Ms. Hoggarth.

Ms. Ann Hoggarth: Well, I just know that there are other places where that kind of thing is not allowed, and it has to do with—although our names are listed as committee members, putting it out in a news presentation or something like that is, by far, quite different than listing names.

The Chair (Mr. Grant Crack): Okay. Well, thank you very much. I'm just going to—

Mrs. Gila Martow: Just a comment?

The Chair (Mr. Grant Crack): A short one.

Mrs. Gila Martow: I would just say that I would want to know. That's all. I wouldn't want certain duplicity, if somebody was taking pictures or a video. As long as I knew, I would be okay with it.

The Chair (Mr. Grant Crack): Okay. I have mulled this over in my brain recently. What we will do today is, because the precedent has been set, if there are pictures taken today, we'll allow that, but again, I want to

reiterate: not by members or by staff in the committee unless I can get a ruling from the Speaker at a future date.

OMBUDSMAN OF ONTARIO

The Chair (Mr. Grant Crack): At this time, we will call upon the Ombudsman of Ontario, Mr. André Marin. Bienvenue. Welcome. You have five minutes, sir.

Mr. André Marin: The first Ombudsman of Ontario used to appear before committees of the Legislature and start off by saying, "My dear fellow Ombudsmen," because he viewed the role of MPPs as being very similar to the one of the Ombudsman. After following the deputations before this committee, I think it's funny that citizens of Ontario have never confused our roles. We don't duplicate our roles; we complement our roles, and that's what Bill 8 is really about.

This is a bill that we've advocating for 39 years, since 1975. I'd like to thank the government for this initiative, for listening to us during the preparation of this bill; and in particular former Government Services Minister John Milloy, Treasury Board Minister Deb Matthews and the Premier; but as well, the Progressive Conservative Party and the NDP. It's been a very non-partisan approach. I know at the end of the day there will be different votes for different reasons, but I know and I feel a lot of support by parliamentarians, and I would like to sincerely thank you for that.

I'm not here to advocate for any changes to the legislation. I know that historically, we've been on the record for the whole of MUSH. But I'm not making any suggestions for amendments for two reasons. First of all, the government ran on Bill 179, won the election and reintroduced Bill 8, so I respect the vote of citizens, I respect democracy and I'm happy to leave it in the hands of parliamentarians as the bill proceeds.

The second reason is that municipalities, universities and school boards represent 444 municipalities and their respective councils, 83 school boards and 22 universities, so you're basically adding 549 bodies to the already 500 or so that we oversee. This area, being the MUS sector, represents \$30 billion of the provincial treasury total of \$126 billion—so \$26 billion that's handed out to the MUS sector.

Finally, we will be overseeing this area. It's a large area, but we're up to the task. Should this honourable committee decide to further the bill, we'd obviously be happy to accept that additional responsibility.

I think one of the first points to note about Bill 8 is that the bill does not propose to impose one iota more of oversight than that which the province has operated with for the last 39 years. You've heard these submissions—doomsday scenarios, all types of things, the last one being that it will run afoul of the Charter of Rights and Freedoms and Canada's Constitution. You've heard the themes of all types of confusion being spread by the bill, calamity, literally alienate and destroy other offices, spread chaos, shock our international partners. All this has been in your submissions.

We don't need to be alarmist and come to alarmist conjecture because we look at the track record of the Ontario Ombudsman in the last 39 years. We've helped save babies and children from death by prompting modern approaches to newborn screening and daycare reform in Ontario. Our work has led to crackdowns in lottery fraud and illegally operating colleges. We have led the charge on strengthening police oversight and cracking down on illegal assaults in our jail system. Our work in enforcing open meetings has strengthened democracy at the local level. Now, as I speak to you, there are 10 municipalities who record their closed meetings, to allow us to judge and to see whether or not they were meeting illegally or whether it was justified by legislation.

Those are all great things, and that's 39 years of track record. Far from weakening the social fabric, the Ombudsman of Ontario has been a positive agent of change. Should this bill pass, we will bring the same level of positive change to municipalities, universities and school boards.

I'd like to deal with a couple of the issues that were brought to your attention: the duplication/confusion argument. We are a check and balance on administrative decisions. You've heard two Auditors General testify this afternoon. We will not be doing audits of Auditors General. That is a misunderstanding of our function.

The Ombudsman is a barometer, a horsefly, an oilcan and a safety valve. We are the horsefly nipping at the bureaucratic beast, nudging it one way or another. We are the oilcan reducing friction between rulers and the ruled. We are a safety valve to ensure that the citizens' rights are protected, in the words of a great Canadian scholar, against "being accidentally crushed by the vast juggernaut of the ... administrative machine," which of course, as you've seen, does not make us popular.

Is my time up, almost?

The Chair (Mr. Grant Crack): One final comment.

Mr. André Marin: One final comment. With respect to the submission of the city of Toronto ombudsman, one brief comment: That office, far from being thriving, is continually under siege. They've tried to reduce her term to one year; they've tried to refuse her position and merge it with the other accountability officers. The constitution of that office is one of ombudsman lite. It is not able to weather the storm. It is for that reason that it has been always caught in political storms.

I'll leave it at that, Mr. Chair. Thank you very much for your patience.

The Chair (Mr. Grant Crack): Thank you, sir. We'll pass it to Ms. Fife from the NDP.

Ms. Catherine Fife: Thank you for the presentation. In 2012, from your own report, you quote that you received 2,539 complaints from the MUSH sector in general. You also said that Ontario is the only province in Canada that does not have independent oversight over the health care sector—an independent, impartial complaint mechanism for either hospitals or children's aid societies. This is still the case—

Mr. André Marin: It is still the case.

Ms. Catherine Fife:—with this bill.

Mr. André Marin: Yes. As I've said, at this stage, I'm happy to defer to parliamentarians. The patient ombudsman started off in the initial drafts of the bill as a patient advocate. Through our work, through the back scene, when we were told that giving it to our office was out of the question, we worked to try to at least strengthen that position. But you are correct in that this bill does not change that.

Ms. Catherine Fife: Actually, you're correct, because it's still the same. I'm quoting you.

Mr. André Marin: Yes.

Ms. Catherine Fife: You go on to say how patient relations, or sort of what the Liberal government is proposing, will only add to the frustration.

We've heard some heartbreaking stories. You've heard these stories, especially on children's aid. The provincial advocate is looking for some real power to protect children in this province. It's not reflected in Bill 8, and the health sector has been left out. Why do you think this government refuses to address those two key areas that you have been fighting for, for years now?

Mr. André Marin: I was paying attention to the submissions by hospitals during these hearings. This idea that the health sector is so complex that we need a specialized ombudsman—it can't fall within the Ombudsman's office of the province—is contrary to what every other province has done. It's contrary to what's being done in the UK, for example. We deal with extremely complicated issues on a daily basis.

That said, of course, the final position of the Ombudsman's office is not to seek an amendment to the bill, but to support what's there. If it doesn't work, then the option will always be to reabsorb that office within ours.

Ms. Catherine Fife: As it stands today, though, you welcome the oversight over the MUS part of MUSH. You're hopeful that perhaps one day, you would actually have oversight over the hospital sector. It's \$52 billion, right? That's a lot of money.

1740

Mr. André Marin: If it works the way it is, God bless the government for doing what they're doing. Many people do have concerns because the patient ombudsman reports within the bowels of the bureaucracy, not even to the minister or the Legislative Assembly. If it doesn't work, we will be overseeing that office, and we will not hesitate to blow the whistle if it doesn't go well.

By that same token, we're not here to do anything but support government. That's how we work. We want good governance. So if the patient ombudsman needs training, support, advice or counselling, we'll be there for that office.

Ms. Catherine Fife: So this—

The Chair (Mr. Grant Crack): Thank you very much—appreciate it. We'll move to the government side: Mr. Baker.

Mr. Yvan Baker: Thank you, sir, for all the work you do to ensure accountability in government and oversight in government. I think the work that you do is important.

Our government has made a commitment to be more open and transparent. That was, as you pointed out, something that the Premier campaigned on, that we campaigned on, at the doors during election time. People in Ontario support it.

You've talked about the importance, in your submission, of oversight over the MUSH sector. There are 444 municipalities in our province, and my recollection is that you received about 1,600 complaints from municipalities in 2013, approximately. It speaks to the importance of providing that oversight.

On the issue of the patient ombudsman, we've tried to set that up in a way that is independent: someone who will have his own budget and a very clear mandate; someone who is housed within Health Quality Ontario to ensure that what the patient ombudsman receives in terms of input is, as quickly as possible, acted on in terms of the health care sector; someone who really is focused on those health sector complaints and concerns; and of course, someone who can look at the systemic issues across the health care sector. I think that's the rationale as to where we're coming from on the patient ombudsman.

Could you speak briefly about what the benefits to the taxpayers are of providing greater oversight, expanding your office's role to the MUSH sector?

Mr. André Marin: Well, as I indicated earlier, right now, 26% of the provincial treasury is handed over basically as a blank cheque to the municipalities, universities and school boards. That's a lot of money. Other provinces have been way ahead of Ontario.

If you look at universities: allegations of sexual harassment, sexual assaults, not having proper codes in place. School boards: Is there a week that goes by without a scandal coming out of the school boards? So \$9 million is missing, "Oh, well, chump change." No, \$9 million is a lot of money.

If you look at municipalities—allegations of corruption and secret meetings: In 2008 the Municipal Act was changed to allow municipalities to hire and create their own oversight officers. There is no ombudsman in existence in Ontario outside of Toronto, which was forced to have one.

Auditor Generals: There was about eight at one point. As soon as they produced unfavourable reports, they were fired. There's two left: one in Toronto, which has to have one; and one in Ottawa, which chose to have one.

Integrity officers: You've heard the number today. There were 30 of them, and you were told that this is great traction. There are 444 municipalities that could have had an integrity officer since 2008.

The issue of cost, to my mind, is not a burden. You could have municipalities regrouping together and saying, "We'll have an integrity officer to serve these municipalities."

There is no will at the municipal level to be accountable. What this legislation brings is that accountability.

The Chair (Mr. Grant Crack): We'll move to Ms. Martow from the opposition.

Mrs. Gila Martow: Thanks for your presentation, and nice to meet you in person. I've been following you on

Twitter for a while, as do many people. I can't imagine how one Ombudsman's office can handle what I would expect to be the influx of complaints.

We've heard today about some provinces—I think BC—where any municipality that has over 100,000 residents has its own ombudsman. I'm just wondering what kind of formula you would maybe envision for Ontario where Toronto has an ombudsman and maybe some of the larger urban centres would have their own ombudsman or an integrity commissioner, who is maybe a little bit more accessible to the public. What kind of oversight would you recommend?

Mr. André Marin: I agree with all those things. I agree that all the universities should keep their ombudsmen and that the hospitals should keep their patient advocates. We're not going to be there to second-guess decisions of those accountability officers. We're there to look at systemic issues when the system fails.

We oversee the SIU, the Special Investigations Unit. The citizens come and call us when there's a police shooting. We can't underestimate people's intelligence. We oversee the Ontario Energy Board, the OMB, the Assessment Review Board. We respect the authority of those tribunals. Similarly, I would like to see more municipalities go the route of ombudsman, so that if there's an issue with a pothole or a street light, the local ombudsman can deal with that. If there's a more systemic issue that we see is ingrained, that a local ombudsman is unable to address because of constraints on their mandate set by city council, that's when we come in.

Instead of these doomsday scenarios that you've been hearing for the last two days—look at our 39-year history. When were we last judicially reviewed? Everyone who comes forward here and says, "Oh, well, there's an issue"—even the Auditor General of Ontario—they can all judicially review us if they believe we've exceeded our jurisdiction or failed to exercise our jurisdiction. I can tell you that in my last nine and a half years as Ombudsman, we've not been judicially reviewed once.

I see too many examples of putting up a straw man to knock it down, being afraid of your own shadow. Judge us by our track record and by the fact that we get along with government.

Every year, when I release the annual report, I talk about different issues with government, but I always say that we have stellar co-operation. I would expect that to be the same 39 years from now, when we've been working in the MUSH sector, if the legislation is passed.

The Chair (Mr. Grant Crack): Thank you very much. I really appreciate you coming before the committee and providing us with your insight.

Mr. André Marin: Thank you very much.

The Chair (Mr. Grant Crack): I have something to ask the committee. There was an issue with a request to appear before the committee that got caught on the assembly firewall. It would have been a delegation that would have made it onto the schedule today. The gentleman from the Eastern Ontario Wardens' Caucus is here.

We do have time. I'm just asking the committee if you would like to proceed.

Interjections.

The Chair (Mr. Grant Crack): Okay.

EASTERN ONTARIO WARDENS' CAUCUS

The Chair (Mr. Grant Crack): We have Mr. Jim Pine with us, from the Eastern Ontario Wardens' Caucus.

We apologize for how things have unfolded, but it's great to have you here. You have five minutes. We'll have to stop right at 6, so there will probably be two minutes of questioning by each party. Welcome. The floor is yours.

Mr. Jim Pine: Thank you very much, Mr. Chairman. I appreciate the opportunity. My name is Jim Pine. I'm here representing the Eastern Ontario Wardens' Caucus. I'm the chief administrative officer for the county of Hastings.

The EOWC is an amalgam of 11 counties in eastern Ontario and two single-tier municipalities. About 750,000 people live in the municipalities that we're involved with.

The caucus has made a written submission. I won't go through it all, but I'll just, because of the time, pick a couple of the points out of it.

First, what the caucus wanted to be made clear in the submission was that they agree wholeheartedly with the principles of transparency, accountability and openness in government. They fully support and endorse those things for all governments, whether local, provincial or federal, because those are the pillars upon which public confidence in government is built. We need those things to be in place.

While there will always be a need for some confidentiality in a limited number of circumstances, like those enunciated in the legislation, that affect our order of government, including the Municipal Act, we understand that representing the people in our communities must be conducted upon those principles as I've just outlined.

We represent many small municipalities across eastern Ontario. We have a couple of concerns. One is the issue of what some have called super-oversight and that we call double oversight, in terms of the way we see the bill written today. We're a bit concerned about that. We think, as others have said, there will be confusion and uncertainty if there isn't clarity brought to this piece of legislation. So we would urge the committee to take a careful look at the bill and ensure that where there is already a municipal ombudsman in place, who has the authority to investigate the complaints in the powers given to them—that that authority be respected and dealt with in that manner.

We also would like to ask for your support in considering the ability to appoint an ombudsman for multiple municipalities. Right now, we do that when it comes to closed-meeting investigators, and it works very well. Communities are able to support that kind of arrangement, and we think that this is another good opportunity

to extend that principle to the hiring of an ombudsman for a group of municipalities. So, again, we ask you to give that consideration.

1750

Let me just say, having sat here for a couple of hours and listening to the presentations that were made, I found them incredibly thoughtful, very well crafted and with a lot of good suggestions. I particularly enjoyed the Provincial Auditor's submission. I thought she made some very interesting points and some good ones there.

We appreciate the opportunity to come and make this presentation. The EOWC is firmly on the side of transparency and accountability. I've been in the business 33 years, 25 of it as a chief administrative officer, and I believe that's the way we operate on a regular basis, but if we can improve on that, we're certainly up for it. Thank you for the opportunity.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Pine. We'll start with the government: Ms. Hoggarth.

Ms. Ann Hoggarth: Good evening. Thank you very much for coming. You said that you're very concerned with the provisions in Bill 8 that would create a patient ombudsman who would have oversight responsibilities in long-term-care homes.

Mr. Jim Pine: That's correct.

Ms. Ann Hoggarth: We've had a lot of people present here who feel quite the opposite. However, there was some concern about the fact that this person might not be completely unbiased because they are paid by the government, which, let's be honest, all ombudsmen are. Right?

Mr. Jim Pine: Sure.

Ms. Ann Hoggarth: Furthermore, the Ontario Ombudsman has oversight of all agencies, including Health Quality Ontario. Therefore, he or she would still oversee the office of the patient ombudsman. Is that not true?

Mr. Jim Pine: Yes, that's true. I guess where our concern comes from—in the statutes that we live by in long-term care, there are very specific complaints processes that need to be followed. The Ministry of Health is very involved in ensuring that kind of process is in place. Residents can make those complaints or anybody can make those complaints. There's a very structured process to go through, and we're quite comfortable with that as operators of long-term-care facilities.

We're concerned, as the operator, with: Who are we now going to be accountable to? Is it the Ombudsman or is it the existing Ministry of Health through their process? We've got a very well-structured process now, and it works quite well. We need some clarity, I guess, is our concern around what the role of the Ombudsman is going to be. Does the Ombudsman investigate before the Ministry of Health has its chance to review things or before we do our processes? When we look at it, we're saying, from an operator's point of view: Can you provide some clarity to that, and is it necessary?

Ms. Ann Hoggarth: I think the Ombudsman made it very clear that if there are investigative processes in place

and he believes they have been followed, then there would not be necessarily further investigation. Thank you.

Mr. Jim Pine: Thank you.

The Chair (Mr. Grant Crack): Ms. Martow from the opposition.

Mrs. Gila Martow: I guess what I would want to know is what model you would see in terms of integrity commissioners, ethics officers in municipalities and ombudsmen from municipalities. An ombudsman maybe could move around and cover a certain region even, but I think it's quite a big mandate to expect the present Ombudsman to all of a sudden take over all these large urban centres. There's a lot of people with a lot of complaints, and if they just had somebody to complain to, they would do it.

Mr. Jim Pine: Sure. I think if you use the example that exists now in terms of closed-meeting investigators, it works very well. Our county, for instance, retains the services of a closed-meeting investigator on behalf of 14 municipalities, and that is quite common across our region, given the scope and size of some of these municipalities. What we're saying is, that's a model that works. Would you please consider allowing that kind of arrangement to work if we are going to have an ombudsman oversee our operations?

The Chair (Mr. Grant Crack): Thank you very much. Ms. Fife.

Ms. Catherine Fife: Thank you very much for coming in this evening. I have to say, I'm a little surprised. We haven't had too many people come in and say that they're not supportive of a patient ombudsman. There are people who have come and said, "We need provincial Ombudsman oversight over health care," because the concern is, having a patient ombudsman is that that person's hired by the government, accountable to the government and that if, in particular, they're in a long-term-care circumstance, for instance, there's the fear of reprisal if they truly try to advocate against their own employer. Do you not see any need for some kind of oversight to protect patients, particularly in long-term-care facilities?

Mr. Jim Pine: We classify folks who are living in our long-term-care homes as residents, and that's how we treat them. There's a very rigorous complaint and review process already existing. All we're asking is, is it necessary to perhaps duplicate, if there's duplication? We haven't taken our submissions through solicitors, so we're basing our interpretation on how we read it. If there's some clarity, that would be helpful. Our number one concern is always about the resident, and we work very hard to satisfy all of those complaints whenever they come in. We have a very strong track record.

Ms. Catherine Fife: I appreciate the fact that you provide quality care and that you regard the folks in your care as residents and not as clients or what have you. But Bill 8 would prevent a patient ombudsman from going to a for-profit retirement home, for instance. That's a huge concern, because there are, obviously, many cases across the province where we've heard of instances of abuse.

I just want to give you the last word here. Do you think there is a need, a provincial need—maybe not particularly in your home—for a true advocate, an empowered advocate for those people who are living in very vulnerable conditions, sometimes in long-term-care facilities?

Mr. Jim Pine: I guess anything that we can do to further give people security is a good thing. Just help us understand how that might work. In our municipal homes, as I say, the resident is number one and always will be.

Ms. Catherine Fife: Sure. Thank you very much for coming today.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Pine. I was glad to be able to fit you in. Thank you for coming before committee.

Thank you very much, everyone.

Ms. Catherine Fife: Chair?

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: Next Wednesday we are going to be going to clause-by-clause. I have this scheduled until

midnight. Is this an accurate calendar item in my BlackBerry?

The Chair (Mr. Grant Crack): Yes, it is. It's part of the order from the House.

Ms. Catherine Fife: And the deadline for amendments is tomorrow at noon, is it not?

The Chair (Mr. Grant Crack): For filing amendments to the Clerk of the Committee, it shall be 3 p.m. on Thursday, November 27, 2014.

Ms. Catherine Fife: So I guess this also depends on how many amendments we—

The Chair (Mr. Grant Crack): That is correct.

Ms. Catherine Fife: Thank you very much for that.

Mr. Mike Colle: It could be another 400, like we did last time.

Ms. Catherine Fife: Well, I don't know why you bring forward legislation that needs so many amendments.

Interjections.

The Chair (Mr. Grant Crack): Thank you very much, everyone. This meeting is adjourned.

The committee adjourned at 1757.

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Lundi 1^{er} décembre 2014

Standing Committee on General Government

Public Sector
and MPP Accountability
and Transparency Act, 2014

Comité permanent des affaires gouvernementales

Loi de 2014 sur
la responsabilisation
et la transparence
du secteur public
et des députés



Chair: Grant Crack
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 1 December 2014

Lundi 1^{er} décembre 2014*The committee met at 1402 in committee room 2.*PUBLIC SECTOR
AND MPP ACCOUNTABILITY
AND TRANSPARENCY ACT, 2014LOI DE 2014 SUR
LA RESPONSABILISATION
ET LA TRANSPARENCE
DU SECTEUR PUBLIC
ET DES DÉPUTÉS

Consideration of the following bill:

Bill 8, An Act to promote public sector and MPP accountability and transparency by enacting the Broader Public Sector Executive Compensation Act, 2014 and amending various Acts / *Projet de loi 8, Loi visant à promouvoir la responsabilisation et la transparence du secteur public et des députés par l'édiction de la Loi de 2014 sur la rémunération des cadres du secteur parapublic et la modification de diverses lois.*

The Chair (Mr. Grant Crack): I'd like to call the meeting to order. I'd like to welcome all members of the committee and members of the public who are here this afternoon to deal with clause-by-clause consideration of Bill 8.

I would like to advise members of the committee that at 3 p.m., all the amendments that are proposed that have not yet been moved shall be deemed to have been moved, and I shall interrupt the proceedings, without any further debate or amendment, and every question will be put to dispose of all remaining sections of the bill and any amendments thereto. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed pursuant to standing order 129(a).

Having said that, are there any general questions or comments concerning the clause-by-clause consideration? Ms. Fife.

Ms. Catherine Fife: With regard to the amendments as they're presented, I just want it noted that we're not moving any amendments on schedules 4, 6, 7 and 11.

Also, I wanted to move a motion that consideration of schedule 10 amendments be moved up in the agenda to be considered first.

The Chair (Mr. Grant Crack): All right, thank you. We'll deal with your second question. That would require unanimous consent.

Just for clarification, which sections are you asking—

Ms. Catherine Fife: I would like schedule 10 amendments to be considered first, beginning with motion number 87, I guess—or 88, since the PCs are not here as of yet.

The Chair (Mr. Grant Crack): Again, that will require unanimous consent from the committee.

Mr. Baker.

Mr. Yvan Baker: Could I ask for clarification as to why?

Ms. Catherine Fife: Because we only have one hour to actually speak to the amendments, and I think that, given the concern raised by the provincial advocate and respective groups, it warrants us having an open debate, not just an up-and-down vote on the amendments as presented.

The Chair (Mr. Grant Crack): Okay. Thank you for the clarification. I will ask the committee, is there any other discussion?

Does the committee have unanimous consent to—

Mr. Mike Colle: We've got to wait for the Tories to get here. I think in courtesy, we should wait for them. Just hold it until they come.

Ms. Catherine Fife: Can we get clarification that they are coming from staff? Is there a Conservative staffer here?

The Chair (Mr. Grant Crack): I think the request has been made. The committee is sitting. I respect Mr. Colle's position; however, I'll put the question forward: Is there unanimous consent that the schedules be moved up? Okay, there's no unanimous consent.

Ms. Fife.

Ms. Catherine Fife: I have a question, actually, for the committee. I'll be introducing a motion to rule amendment 106 out of order.

Chair, I'd like to move a motion that government motion 106 be ruled out of order as it falls outside of the scope of this bill. If you'll give me a moment to actually address it, this is actually an unprecedented amendment from the government, asking whether or not children would be able to determine if they wish a matter be pursued by the provincial advocate. It's unprecedented, it's outside the scope of the bill and, quite honestly, it caught us by surprise that it was actually included in the amendments to this bill.

The Chair (Mr. Grant Crack): Thank you. There's no requirement for a motion at this point, or an allow-

ance. When we get to motion 106, you can certainly bring your points forward at that time.

Any other questions or comments? There being none, we will begin clause-by-clause consideration.

Shall schedule 1, section 1—

Interjection.

The Chair (Mr. Grant Crack): Oh, sorry. I have to go to the first page.

There are no amendments to sections 1, 2 or 3. Is it the wish of the committee, perhaps, that we could just group all of those together? There's no opposition?

Shall section 1, section 2 and section 3 carry? Those opposed? Carried.

Schedule 1, section 1: Shall that carry? Those in favour? Those opposed? Carried.

Schedule 1, section 2: Shall it carry? Those in favour? Any opposed? Carried.

We shall move to schedule 1, subsection 3(1). It's a government motion. Those in favour?

Ms. Catherine Fife: Just a point of clarification: Should the amendment not be read out?

The Chair (Mr. Grant Crack): Yes, so I'll ask the government to read the motion into the record. Mr. Baker.

Mr. Yvan Baker: I move that subsection 3(1) of schedule 1 to the bill be amended by adding the following paragraphs:

"8.1 Every body prescribed as a public body under the Public Service of Ontario Act, 2006 that is not also prescribed as a commission public body under that act.

"8.2 The corporation known as Ornge, incorporated under the Canada Corporations Act on October 8, 2004 as Ontario Air Ambulance Services Co."

The Chair (Mr. Grant Crack): Thank you very much. Discussion? Those in favour of the motion? Those opposed? The motion is carried.

Shall schedule 1, section 3, as amended, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 4, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 5, carry? Those in favour? Those opposed? Carried.

We have a motion from the third party, the NDP: Ms. Fife.

Ms. Catherine Fife: Under this schedule, this sets as a default under schedule 1 that all executive compensation frameworks are capped at double the compensation package.

1410

I move that section 6 of schedule 1 to the bill be amended by adding the following subsections:

"Limitation on compensation

"(4) A compensation framework must provide that no designated executive may receive compensation in excess of 200% of the Premier's compensation.

"Exemptions from limitation

"(5) A compensation framework may provide that specified designated executive positions may receive compensation in excess of the limit set out in subsection

(4) if the Lieutenant Governor in Council, having examined the executive compensation frameworks of other jurisdictions, is of the opinion that a suitable candidate could not be recruited if compensation for the position were limited to the amount set out in that subsection."

The Chair (Mr. Grant Crack): Any discussion? Those in favour of the motion? Those opposed? The motion is defeated.

Shall schedule 1, section 6, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 7, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 8, carry? Those in favour? Those opposed? Carried.

We have government motion number 3. Mr. Baker.

Mr. Yvan Baker: I move that section 9 of schedule 1 to the bill be amended by adding the following subsection:

"After third anniversary

"(1.1) Despite paragraph 1 of subsection (1), after the third anniversary of the effective date of the applicable compensation framework, any element of compensation in the compensation plan of a designated executive described in subsection (1) that is greater than that authorized under the applicable compensation framework is not valid or payable to the extent that it is not in accordance with the applicable compensation framework, regardless of when the contract or agreement was entered into."

The Chair (Mr. Grant Crack): Further discussion? Those in favour of the motion? Carried.

Shall schedule 1, section 9, as amended, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 10, carry? Those in favour? Opposed? Carried.

Shall schedule 1, section 11, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 12, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 13, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 14, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 15, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 16, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 17, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 18, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 19, carry? Those in favour? Those opposed? Carried.

We have government motion number 4. Mr. Baker.

Mr. Yvan Baker: I move that clause 20(1)(c) of schedule 1 to the bill be struck out and the following substituted:

"(c) as a direct or indirect result of anything done or not done in order to comply with this act or a regulation

or directive, including any denial or reduction of compensation that would otherwise have been payable to any person.”

The Chair (Mr. Grant Crack): Any further discussion? Those in favour? Those opposed? Carried.

Government motion number 5: Mr. Baker.

Mr. Yvan Baker: I move that subsection 20(2) of schedule 1 to the bill be struck out and the following substituted:

“Same

“(2) Without limiting the generality of subsection (1), that subsection applies to an action or other proceeding claiming any remedy or relief, including specific performance, injunction, declaratory relief or any form of damages or any other remedy or relief, or a claim to be compensated for any losses, including loss of earnings, loss of revenue or loss of profit.”

The Chair (Mr. Grant Crack): Further discussion? Those in favour of the motion carrying? Those opposed? Carried.

Shall schedule 1, section 20, as amended, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 21, carry? Those in favour? Those opposed? Carried.

We have government motion number 6. Mr. Baker.

Mr. Yvan Baker: I move that section 22 of schedule 1 to the bill be struck out and the following substituted:

“Not entitled to be compensated

“22. Despite any other act or law, no person is entitled to be compensated for any loss or damages, including loss of revenues, loss of profit or loss of expected earnings or denial or reduction of compensation that would otherwise have been payable to any person, arising from the enactment or application of this act or anything done in accordance with this act, the regulations or directives.”

The Chair (Mr. Grant Crack): Further discussion? Those in favour? Those opposed? The motion is carried.

Shall schedule 1, section 22, as amended, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 23, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 24, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 25, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 26, carry? Those in favour? Those opposed? Carried.

NDP motion number 7: Ms. Fife.

Ms. Catherine Fife: The NDP recommends voting against section 27 of schedule 1 to the bill.

Having an exception for health care sector executive salaries in the schedule is counter to the entire theme of the bill around transparency and accountability. We would encourage the committee, of course, to vote against this section around broader public sector executive pay.

The Chair (Mr. Grant Crack): There is no official motion, I believe, at this point on that. Further debate?

Shall schedule 1, section 27, carry?

Interjection.

The Chair (Mr. Grant Crack): There has been a recorded vote request.

Mr. Yvan Baker: Point of order.

The Chair (Mr. Grant Crack): Yes?

Mr. Yvan Baker: Could you just clarify what we’re voting on?

The Chair (Mr. Grant Crack): You’re voting on whether or not schedule 1, section 27, carries.

Mr. Mike Colle: Point of clarification: Is there a motion before us?

The Chair (Mr. Grant Crack): There is no motion.

Mr. Mike Colle: So we’re going back to—

The Chair (Mr. Grant Crack): —the actual schedule and section.

Any further discussion? No further discussion?

There has been a request for a recorded vote. Those in favour—

Ms. Catherine Fife: Just a clarification: The motion was to vote against section 27 and therefore remove section 27 from schedule 1 of the bill. That was the motion, and I put it on the floor. If the committee wishes to remove an entire section from the bill, the rules of parliamentary procedure require that the committee vote against the section, rather than pass it. So you just had some members vote in favour of removing the section—

The Chair (Mr. Grant Crack): I’m going to consult with the Clerk.

Ms. Catherine Fife: —which would make me very happy.

The Chair (Mr. Grant Crack): I don’t believe there was an official motion put forward at the time of the deadline. I know there has been a recommendation to vote against. In order to be able to proceed, I believe what you did was provide a notice to vote against the particular section, and as such the committee has respected that.

Now we’re at the point of a recorded vote. So we’re in the process of a recorded vote. There were none in favour, so I’m going to ask for those who are opposed to please raise your hand so the Clerk can acknowledge you.

1420

Mr. Mike Colle: Opposed to?

The Chair (Mr. Grant Crack): Shall schedule 1, section 27, carry? I asked, “Those in favour?” There were no hands that came up. I have asked, “Those opposed to the schedule and section carrying?”

Nays

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala.

Mr. Mike Colle: We’re agreeing with you.

Ms. Catherine Fife: You just voted to remove executive salary—

Interjection.

Ms. Catherine Fife: That is amazing.

The Chair (Mr. Grant Crack): We're in the middle of the vote.

Ms. Catherine Fife: Okay.

The Chair (Mr. Grant Crack): I had asked, "Shall schedule 1, section 27, carry?" It is defeated.

Ms. Catherine Fife: I'm so surprised.

The Chair (Mr. Grant Crack): Okay. Back to business.

Shall schedule 1, section 28, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, section 29, carry? Those in favour? Those opposed? Carried.

Shall schedule 1, as amended, carry? Those in favour? Those opposed? Carried.

That was interesting. This is good. We're moving to schedule 2.

Shall schedule 2, section 1, carry? Those in favour? Those opposed? Carried.

We have NDP motion number 8. Ms. Fife.

Ms. Catherine Fife: I move that part IV.2 of the Ambulance Act, as set out in subsection 2(1) of schedule 2 to the bill, be amended by adding the following section:

"Application of other oversight mechanisms

"7.8(1) The following apply, with necessary modifications, to air ambulance service providers and their subsidiaries and contractors:

"1. The Public Sector Salary Disclosure Act, 1996, as if air ambulance service providers and their subsidiaries and contractors were agencies of the crown in right of Ontario under that act.

"2. The Ombudsman Act as if air ambulance service providers and their subsidiaries and contractors were governmental organizations under that act.

"3. The Auditor General Act as if air ambulance service providers and their subsidiaries and contractors were crown agencies under that act.

"Same, legislative committees

"(2) A committee of the House may require an air ambulance service provider, a contractor of an air ambulance service provider or a director, officer, partner, shareholder, member or employee of an air ambulance service provider or of a subsidiary or contractor of an air ambulance service provider to attend before the committee.

"Interpretation—subsidiary, contractor

"(3) For the purpose of this section, a person or entity is a subsidiary or contractor of an air ambulance service provider if the person or entity, in any fiscal year of the person or entity,

"(a) receives 50 per cent of its annual budget from public money; or

"(b) receives more than \$1,000,000 in public money.

"Definition

"(4) In this section,

"'contractor' means a person or entity contractually engaged to provide services to or on behalf of an air ambulance service provider or a subsidiary of an air ambulance service provider."

The Chair (Mr. Grant Crack): Any further discussion on the motion?

Mr. Jeff Yurek: Recorded vote.

The Chair (Mr. Grant Crack): A recorded vote has been requested. No further discussion? Okay.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 2, section 2, carry? Those in favour? Those opposed? Carried.

Shall schedule 2, section 3, carry? Those in favour? Those opposed? Carried.

NDP motion number 9: Ms. Fife.

Ms. Catherine Fife: I move that clause 22(1)(b.7) of the Ambulance Act, as set out in section 4 of section 2 to the bill, be struck out.

It's a bad precedent to be set in the health care sector. That's the rationale.

The Chair (Mr. Grant Crack): Thank you for the motion. Just a point of clarification: It's section 4. You said section 2. Could you just read—

Ms. Catherine Fife: Section 4 of schedule 2 to the bill.

The Chair (Mr. Grant Crack): Thank you. Any further discussion? Those in favour? Those opposed? The motion is defeated.

Shall schedule 2, section 4, carry? Those in favour? Those opposed? Carried.

Shall schedule 2, section 5, carry? Those in favour? Those opposed? Carried.

Shall schedule 2, section 6, carry? Those in favour? Those opposed? Carried.

Shall schedule 2, section 7, carry? Those in favour? Those opposed? Carried.

Shall schedule 2 carry? Those in favour? Those opposed? Carried.

Moving on to schedule 3, we have PC motion number 10. We'll ask Mr. Yurek to read it into the record.

Mr. Jeff Yurek: You give me a long one to read.

I move that schedule 3 to the bill be amended by adding the following section:

"0.1 The Broader Public Sector Accountability Act, 2010 is amended by adding the following section:

"'Public posting of expenses, heads of certain organizations

"9.1(1) The minister responsible for this part shall post on a public website the information required by subsection (2) with respect to payments made to the head of an agency of the government of Ontario or of a publicly funded organization for,

"(a) travel expenses;

“(b) expenses for hotel accommodation;

“(c) meal expenses; and

“(d) hospitality expenses.

“Information required to be posted

“(2) Subject to subsection (4), the following information is required to be posted with respect to each payment for an expense referred to in subsection (1):

“1. The name and title of the person who incurred the expense.

“2. The date on which the expense was incurred.

“3. The type of expense, with reference to the applicable category of expense listed under subsection (1).

“4. The total amount claimed by and paid to the person, for each category of expense listed under subsection (1).

“5. The purpose of the expense.

“6. The travel destination or other geographic location where or in respect of which the expense was incurred.

“Minister to determine timing, manner

“(3) The minister shall determine the timing of the posting of information under subsection (1) and the manner in which the information is presented.

“Information may be excluded

“(4) The minister may exclude information from posting under subsection (1) if he or she is of the view that,

“(a) posting the information would likely,

“(i) constitute an unjustified invasion of personal privacy, or

“(ii) jeopardize the security of any person, place or thing; or

“(b) other circumstances exist that make it necessary or advisable to exclude the information.

“Application

“(5) This section applies,

“(a) in addition to any requirements for posting expense information under sections 8 and 9;

“(b) despite the Freedom of Information and Protection of Privacy Act; and

“(c) only with respect to payments for expenses incurred on or after the day section 0.1 of schedule 3 to the Public Sector and MPP Accountability and Transparency Act, 2014 came into force.”

The Chair (Mr. Grant Crack): Thank you, Mr. Yurek. As Chair, I have to rule that this motion is out of order, as it proposes to introduce a section to the bill that is beyond the scope of the bill, but I will provide you with the alternative of asking for unanimous consent of the committee to consider the motion, if you would like.

Mr. Jeff Yurek: Chair, I wish you would have told me that before I read it, but I will ask for unanimous consent to carry forth this motion.

The Chair (Mr. Grant Crack): Thank you for the request. I would like to have been able to, but in order for me to call a motion out of order, it would have to be read into the record, so thank you for your patience.

Do we have unanimous consent to consider the motion? I heard a no. So it's out of order.

We'll move to schedule 3, section 1. We have an NDP motion. Ms. Fife.

1430

Ms. Catherine Fife: I move that subsection 13.1(1) of the Broader Public Sector Accountability Act, 2010, as set out in section 1 of schedule 3 to the bill, be amended by striking out “may” and substituting “shall”.

The Chair (Mr. Grant Crack): Any further discussion? Those in favour of the motion? Those opposed? The motion is defeated.

We have a little bit of an issue that has presented itself. With the committee's approval, we could deal with item 13, which would be NDP motion 13, before NDP motion 12, because 12 would be dependent on 13 passing. So if 13 is lost, then 12 is out of order; it's dependent on an amendment that has already been defeated.

What we will do, then, is we will deal with item 13 at this point. Ms. Fife, if you could read motion 13 into the record.

Ms. Catherine Fife: I move that section 13.1 of the Broader Public Sector Accountability Act, 2010, as set out in section 1 of schedule 3 to the bill, be amended by adding the following subsection:

“Business plan requirements

“(2.1) Directives issued under subsection (1) with respect to business plans shall require the business plan of a designated broader public sector organization to include,

“(a) clear and specific policy and operational outcomes to be achieved in the coming year by the designated broader public sector organization; and

“(b) a clear and detailed assessment of the broader public sector organization's success or failure in achieving the outcomes specified in its previous year's business plan.”

The Chair (Mr. Grant Crack): Any further discussion? Those in favour of the motion? Those opposed? The motion is defeated.

As such, since 13 has been defeated, then 12, which would have been dependent on 13 passing—

Interjection.

The Chair (Mr. Grant Crack): I'm being advised, Ms. Fife, that if you would like to move the motion—

Ms. Catherine Fife: You mean 12?

The Chair (Mr. Grant Crack): Twelve, yes.

Ms. Catherine Fife: Didn't you just rule it out of order?

The Chair (Mr. Grant Crack): It's redundant now because it would have been based on 13 passing, and 13 was just defeated.

Interjection.

The Chair (Mr. Grant Crack): The reason being, as I had indicated to an earlier motion, you would have to read it into the record in order for me to declare it out of order.

Ms. Catherine Fife: It sounds very painful to me.

The Chair (Mr. Grant Crack): You don't have to. You could withdraw it if you choose.

Ms. Catherine Fife: I'm going to withdraw so I don't have to waste time.

The Chair (Mr. Grant Crack): Thank you very much. NDP motion 12 has been withdrawn.

Shall schedule 3, section 1, which is unamended, carry? Those in favour? Those opposed? Carried.

Shall schedule 3, section 2, carry? Those in favour? Those opposed? Carried.

Shall schedule 3, section 3, carry? Those in favour? Those opposed? Carried.

Shall schedule 3, section 4, carry? Those in favour? Those opposed? Carried.

Shall schedule 3, section 5, carry? Those in favour? Those opposed? Carried.

Shall schedule 3 carry? Those in favour? Those opposed? Carried.

Schedule 4 has no amendments, so we have schedule 4, sections 1, 2, 3, 4, 5, 6, 7, 8 and 9. Would it be the committee's wish to lump those together? I hear nothing but yeses so we shall do that. I shall ask: Shall schedule 4, sections 1, 2, 3, 4, 5, 6, 7, 8 and 9 carry? Those in favour? Those opposed? Carried.

Shall schedule 4 carry? Those in favour? Those opposed? Carried. Thank you.

We shall move to schedule 5, section 1.

We have government motion 14. Mr. Baker.

Mr. Yvan Baker: I move that section 1 of schedule 5 to the bill be amended by adding the following definition to section 1 of the Excellent Care for All Act, 2010:

"'caregiver' and related terms have the meaning or meanings provided for in the regulations; (fournisseur de soins)"

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion? Those in favour? Those opposed? Carried.

We have NDP motion number 15. Ms. Fife.

Ms. Catherine Fife: I move that the definition of "health sector organization" in section 1 of the Excellent Care for All Act, 2010, as set out in section 1 of schedule 5 to the bill, be amended by striking out "and" at the end of clause (c) and by adding the following clauses:

"(c.1) a home for special care within the meaning of the Homes for Special Care Act,

"(c.2) a private hospital within the meaning of the Private Hospitals Act,

"(c.3) an ambulance service or air ambulance service within the meaning of the Ambulance Act,

"(c.4) a board of health within the meaning of the Health Protection and Promotion Act,

"(c.5) a retirement home within the meaning of the Retirement Homes Act, 2010, in respect of the provision of care services,

"(c.6) a premises as defined in part XI of Ontario regulation 114/94 (General) made under the Medicine Act, 1991, and"

I move that motion and would welcome a debate on it.

The Chair (Mr. Grant Crack): Any further discussion? Ms. Fife?

Ms. Catherine Fife: In other words, we're looking to include, within the definition of "health sector organization," all homes for special care, private hospitals, ambulance services, air ambulance services, boards of health, retirement homes and out-of-hospital private clinic premises.

This is obviously a crucial amendment to ensure that oversight is extended to all health sector organizations. If the goal of the committee is actually to strengthen oversight within the health care system, we see this as a key amendment to this bill.

The Chair (Mr. Grant Crack): Any further debate or discussion?

Ms. Catherine Fife: Recorded vote, please.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion number 16. Ms. Fife.

Ms. Catherine Fife: I move that the definition of "health sector organization" in section 1 of the Excellent Care for All Act, 2010, as set out in section 1 of schedule 5 to the bill, be amended by striking out "and" at the end of clause (c) and by adding the following clause:

"(c.1) an ambulance service or air ambulance service within the meaning of the Ambulance Act, and"

Clearly, for us, amending section 1 to expand "health sector organization" to include all ambulance and air ambulance service providers—we obviously believe that oversight should be extended to ambulance providers and Ornge. There are too many reasons to put forward this motion, all of which the government should be well acquainted with.

The Chair (Mr. Grant Crack): Thank you very much, Ms. Fife.

To all members of the committee: In the future, could you just read the motion into the record, and then I will ask for discussion? It makes it difficult for Hansard to separate exactly what the motion was.

I will read final part of the motion, if that's okay: "(c.1) an ambulance service or air ambulance service within the meaning of the Ambulance Act, and".

Ms. Catherine Fife: Recorded vote, please.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

1440

We shall move to NDP motion 17: Ms. Fife.

Ms. Catherine Fife: I move that the definition of “health sector organization” in section 1 of the Excellent Care for All Act, 2010, as set out in section 1 of schedule 5 to the bill, be amended by striking out “and” at the end of clause (c) and by adding the following clause:

“(c.1) a premises as defined in part XI of Ontario regulation 114/94 (General) made under the Medicine Act, 1991, and”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion?

Ms. Catherine Fife: In this section, we are looking to amend section 1 to include within the definition of “health sector organization” all out-of-hospital premises or private clinics.

The government has expanded the number of private clinics over 30% in the last four years, without ensuring adequate oversight. We’re looking to correct that oversight gap with this amendment, and given the direction that the government is going with the privatization of health care, we actually see this as ensuring the health and well-being of people in this province with regard to the health care system.

The Chair (Mr. Grant Crack): Any further discussion? Those in favour of the motion? Those opposed? The motion is defeated.

There are no other motions on this particular section.

Shall schedule 5, section 1, as amended, carry? Those in favour? Those opposed? Carried.

Shall schedule 5, section 2, carry? Those in favour? Those opposed? Carried.

Shall schedule 5, section 3, carry? Those in favour? Those opposed? Carried.

We shall move to schedule 5, section 4, NDP motion number 18: Ms. Fife.

Ms. Catherine Fife: I move that subsection 13.1(1) of the Excellent Care for All Act, 2010, as set out in section 4 of schedule 5 to the bill, be struck out and the following substituted:

“Patient ombudsman

“(1) The patient ombudsman shall be appointed by the Lieutenant Governor in Council on the address of the assembly.”

The Chair (Mr. Grant Crack): Thank you very much, Ms. Fife. Discussion?

Ms. Catherine Fife: We are looking to amend section 4 and the proposed subsection 13.1 to ensure that the patient ombudsman is appointed by the Legislative Assembly and not cabinet.

Many of the committee members will have heard delegations over the last week expressing some concern about who will be in charge of the patient ombudsman, aside from the concerns around the patient ombudsman as they stand. Who does that person report to? We feel strongly that this should be an officer of the Legislature, not to cabinet of any government going forward. We

think this is a reasonable amendment, and I hope that the committee supports it.

The Chair (Mr. Grant Crack): Any further discussion? Those in favour of the motion? Those opposed? The motion is defeated.

We have government motion number 19: Mr. Baker.

Mr. Yvan Baker: I move that clauses 13.1(2)(a), (b) and (c) of the Excellent Care for All Act, 2010, as set out in section 4 of schedule 5 to the bill, be struck out and the following substituted:

“(a) to receive and respond to complaints from patients and former patients of a health sector organization and their caregivers, and from any other prescribed persons;

“(b) to facilitate the resolution of complaints made by patients and former patients of a health sector organization and their caregivers, and by any other prescribed persons;

“(c) to undertake investigations of complaints made by patients and former patients of a health sector organization and their caregivers, and by any other prescribed persons, and to undertake investigations of health sector organizations on the patient ombudsman’s own initiative;”

The Chair (Mr. Grant Crack): Any further discussion? Ms. Fife.

Ms. Catherine Fife: We think we that this is inadequate, based on the other motions that we’ve brought forward. If you’re going to give the patient ombudsman the ability to respond to a caregiver, if those caregivers are on all of the other private health care options in the province, then this really means nothing, so we will not be supporting it.

The Chair (Mr. Grant Crack): Further discussion? Okay. Those in favour of the—

Mr. Mike Colle: Recorded vote.

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala, Yurek.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

We have NDP motion number 20. Ms. Fife.

Ms. Catherine Fife: I move that subsection 13.1(2) of the Excellent Care for All Act, 2010, as set out in section 4 of schedule 5 to the bill, be struck out and the following substituted.

“Functions of the patient ombudsman

“(2) The functions of the patient ombudsman are,

“(a) to receive and respond to complaints made to him or her by any person affected by a decision or recommendation made or act done or omitted by a health sector organization, or by any member of the assembly to whom such a complaint is made by any person so affected;

“(b) to facilitate the resolution of complaints described in clause (a);

“(c) to investigate any decision or recommendation made or any act done or omitted by a health sector organization and affecting any person or body of persons in his, her or its personal capacity;

“(d) to undertake the investigations of health sector organizations on the patient ombudsman’s own initiative;

“(e) to make recommendations to health sector organizations and the minister following the conclusion of the investigations; and

“(f) to do anything else provided for in the regulations or on the address of the assembly.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: We, of course, are looking to amend this section to allow the patient ombudsman to respond to complaints from any person affected and any MPP, and to investigate any decision, recommendation or act done or omitted by a health sector organization and to make recommendations to the minister.

We saw first-hand with the Ornge fiasco that MPPs were trying to raise this issue in the Legislature. If MPPs’ voices had been respected and heard on behalf of the workers who were facing the issues at Ornge, then that issue may have been resolved much sooner and tragedies avoided.

This is expanding the complaints procedure.

The Chair (Mr. Grant Crack): Further discussion? There being none—

Ms. Catherine Fife: Recorded vote, please.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Schedule 5, section 4, NDP motion 21: Ms. Fife.

Ms. Catherine Fife: I move that section 13.1 of the Excellent Care for All Act, 2010, as set out in section 4 of schedule 5 to the bill, be amended by adding the following subsection:

“Nature of employment

“(2.1) The patient ombudsman shall devote himself or herself exclusively to the duties of the patient ombudsman’s office and shall not hold any other office under the crown or engage in any other employment.”

The Chair (Mr. Grant Crack): Any further discussion? Ms. Fife.

Ms. Catherine Fife: As the act is crafted right now, the patient ombudsman could have another job, which is just incredible, really, in some regards. We think it’s reasonable for the Legislature to expect the patient ombudsman to solely be engaged in the advocacy and the

safety of the patients and health care system of the province. We’re asking that the patient ombudsman not hold any other employment other than being a patient ombudsman.

The Chair (Mr. Grant Crack): Further discussion? Mr. Baker.

Mr. Yvan Baker: The only thing that I would mention is that we’ve worked to make sure that there be no conflict of interest and that the patient ombudsman has term limits.

Ms. Catherine Fife: Recorded vote, please.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Ms. Catherine Fife: Just a question of clarification.

The Chair (Mr. Grant Crack): A point of order.

Ms. Catherine Fife: Point of order. Mr. Baker just referenced conflict of interest and something else. Was he making an amendment to the amendment or was he just making a note of it?

Mr. Yvan Baker: I was speaking as part of the debate.

Ms. Catherine Fife: Okay.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to NDP motion number 22. Ms. Fife.

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Ms. Catherine Fife: I move that subsection 13.1(3) of the Excellent Care for All Act, 2010, as set out in section 4 of schedule 5 to the bill, be struck out and the following substituted:

“Employee of council

“(3) The council shall employ as the patient ombudsman the person appointed by the Lieutenant Governor in Council on the address of the assembly and shall terminate that person’s employment as patient ombudsman when the term of the appointment expires.”

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth.

Ms. Ann Hoggarth: I have a question. Earlier, we defeated a motion that the patient ombudsman would be appointed by the Lieutenant Governor, so is this not out of order?

The Chair (Mr. Grant Crack): Stand by.

Ms. Fife.

Ms. Catherine Fife: I understand the member’s concern, but this motion also looks to remove cabinet’s authority. So it’s under the assumption, as it stands right now, that cabinet would be hiring the patient ombudsman. This would revoke the individual’s appointment as the patient ombudsman. This also removes cabinet’s

authority to revoke the individual's appointment as patient ombudsman. So it's a dual motion in some regards.

Ms. Ann Hoggarth: Can we have a ruling on that?

The Chair (Mr. Grant Crack): We're looking at that as we speak.

Ms. Catherine Fife: Chair, I would like to withdraw the motion, because I'd like to get on with it, and we all know how this is going to go.

The Chair (Mr. Grant Crack): Sorry?

Ms. Catherine Fife: I'm withdrawing the motion.

The Chair (Mr. Grant Crack): Okay. The motion has been withdrawn by Ms. Fife. That's acceptable.

Ms. Ann Hoggarth: At some point, as I'm learning, I would like to know the answer.

Mr. Mike Colle: Set up a consultation with the Clerk and the member later.

The Chair (Mr. Grant Crack): Thank you, Mr. Colle. That's a wonderful idea.

Okay. NDP motion number 22 has been withdrawn.

We shall move to NDP motion 23. Ms. Fife.

Ms. Catherine Fife: I move that section 13.1 of the Excellent Care for All Act, 2010, as set out in section 4 of schedule 5 to the bill, be amended by adding the following subsection:

"Term of office and removal

"(3.1) The patient ombudsman shall hold office for a term of five years and may be reappointed for a further term or terms, but is removable at any time for cause by the Lieutenant Governor in Council on the address of the assembly."

The Chair (Mr. Grant Crack): Further discussion? Ms. Hoggarth, same thing?

Ms. Ann Hoggarth: Yes.

Ms. Catherine Fife: May I speak to that?

The Chair (Mr. Grant Crack): Okay, Ms. Fife.

Ms. Catherine Fife: Well, this one is different because, by adding this new subsection to include a mandate of five years, the patient ombudsman would be subject to removal by the Legislative Assembly. We believe that the patient ombudsman should have a set term of office, as should the government, rather than be subject to the political whims of cabinet. Otherwise, this undermines the power of the patient ombudsman, who already has very limited powers, as we see it. This would bring some stability, I believe, to that office.

The Chair (Mr. Grant Crack): Okay. Further discussion?

Ms. Catherine Fife: Recorded vote, please.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

We have government motion number 24. Mr. Baker.

Mr. Yvan Baker: I move that section 13.1 of the Excellent Care for All Act, 2010, as set out in section 4 of schedule 5 to the bill, be amended by adding the following subsections:

"Term of office

"(5.1) The patient ombudsman shall be appointed for a term of five years and may be reappointed for one further term of five years.

"Same

"(5.2) The Lieutenant Governor in Council may revoke the appointment of the patient ombudsman for cause.

"Temporary appointment

"(5.3) If the position of patient ombudsman is vacant or if for any reason the patient ombudsman is unable or unwilling to fulfil the duties of the office, the Lieutenant Governor in Council may appoint a temporary patient ombudsman for a term of up to six months."

The Chair (Mr. Grant Crack): Discussion? Ms. Fife.

Ms. Catherine Fife: We find that this motion is still flawed, because the patient ombudsman still falls under the oversight of cabinet. If political interference and the possibility of political interference are still there, it doesn't really matter what the term is or what other extenuating circumstances the government builds into it. We will not be supporting this.

The Chair (Mr. Grant Crack): Further discussion? Mr. Baker.

Mr. Yvan Baker: I'd just say that, as discussed in the previous hearings of this committee, a number of steps have been taken to make the patient ombudsman as independent as possible. So we believe that that has been addressed.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: Just to counter that, you just voted in favour of motions that kept the patient ombudsman under the control of cabinet and the appointment of cabinet. Therefore, this is just window dressing, as we see it, to make it look like the patient ombudsman is truly independent when he is not.

The Chair (Mr. Grant Crack): Further discussion? Mr. Yurek.

Mr. Jeff Yurek: Chair, I have noticed in the previous amendments that have not been supported, the government has blocked openness and transparency. However, with this motion, we do like seeing the term limit of at least two, just so there's a change of the ombudsman over time instead of a consistent person being reappointed year after year. So, we will support the two-term limit for the patient ombudsman.

The Chair (Mr. Grant Crack): Further discussion? There being none, those in favour of the motion? Those opposed? The motion is carried.

NDP motion number 25: Ms. Fife.

Ms. Catherine Fife: I move that subsection 13.1(6) of the Excellent Care for All Act, 2010, as set out in section 4 of schedule 5 to the bill, be struck out and the following substituted:

“Definition

“(6) In this section and in sections 13.2 to 13.4,

“‘patient or former patient’ includes,

“(a) a patient or former patient of a hospital,

“(b) a resident or former resident of a long-term care home, a home for special care or a retirement home,

“(c) a client or former client of a community care access corporation,

“(d) a person who was transported in an ambulance or air ambulance,

“(e) a person affected by a program or service provided by a board of health under the Health Protection and Promotion Act,

“(f) a patient or former patient of a premises as defined under part XI of Ontario regulation 114/94 (General) made under the Medicine Act, 1991,

“(g) any other individual provided for in the regulations, and

“(h) in respect of an individual mentioned in clause (a), (b), (c), (d), (e), (f) or (g) who is or was incapable with respect to a treatment or another matter, a person with the authority to consent to the treatment or the other matter on behalf of that individual in accordance with the Health Care Consent Act,” 1991.

The Chair (Mr. Grant Crack): 1996, I believe.

Ms. Catherine Fife: Sorry, 1996.

The Chair (Mr. Grant Crack): Further discussion? Ms. Fife.

Ms. Catherine Fife: Once again, we’re trying to make this bill a little stronger and the scope of practice of the patient ombudsman a little bit more expansive to capture as many people as we can, including patients who are in ambulances, out-of-hospital private clinics and anyone impacted by a board of health decision, which we see the patient ombudsman should have oversight for.

The Chair (Mr. Grant Crack): Further discussion?

Ms. Catherine Fife: Recorded vote.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Given the fact that it is now 3 p.m., and according to the order of the House that I had read previously, at the commencement of this committee meeting, we shall move directly with the business beforehand, with the fact that all motions are deemed to have been moved. Try to get that out without reading it.

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What I’ll do is I’ll just clarify that if there is any division—if there’s a recorded vote requested—we’ll have to put that off until the end of the meeting and do them all at the end, or there can be a request, if I hear from the floor, to do it one after the other. That’s available as well.

There is one 20-minute recess, which is called the waiting period, pursuant to standing order 129(a). Okay?

Mr. Mike Colle: Could you explain that again about the recorded votes?

The Chair (Mr. Grant Crack): Okay. According to the order of the House, if there is a request for a recorded vote on a motion, generally it goes to the end of the meeting. However, if there is a request to do it immediately, then I can accept that as well. But it has to be a—

Interjection.

The Chair (Mr. Grant Crack): No?

Interjection.

The Chair (Mr. Grant Crack): Okay. In the past, what happened was that there was a request for all recorded votes. It hasn’t been the case today. So any requests for recorded votes will be done at the end of the meeting, or towards the end.

Mr. Jeff Yurek: But if we request a recorded vote, then we just carry on as we’ve been doing.

The Chair (Mr. Grant Crack): You could. Ms. Fife.

Ms. Catherine Fife: Just a clarification: This is now just strictly voting: no debate, no discussion, no reading out of motions. Is this correct?

The Chair (Mr. Grant Crack): That’s correct. I’ll give you an example. If I was to do number 26, I would say, “Schedule 5, section 4, subsection 13.2(1): Does it carry?” So that’s how I would do it.

Ms. Catherine Fife: How will you deal with amendments, then? We’re still going to go through the bill, clause by clause, and then you are going to—we’ll still stop for the amendments.

The Chair (Mr. Grant Crack): No. There’s no discussion on any amendments, so I will just continue one after the other and ask for the decision of the committee through vote.

Mr. Jeff Yurek: It’s called democracy.

Ms. Catherine Fife: It’s democracy in action. Okay.

The Chair (Mr. Grant Crack): We’ll do number 26, because we should be moving forward at this particular point.

Schedule 5, section 4, subsection 13.2(1): Shall this section—sorry.

Interjection.

The Chair (Mr. Grant Crack): The Excellent Care for All Act, 2010: Shall the motion carry?

Interjections.

The Chair (Mr. Grant Crack): That’s number 26. I’ll start over.

For clarification purposes, NDP motion number 26 to schedule 5, section 4, subsection 13.2(1) of the Excellent Care for All Act, 2010: Shall the motion carry?

Interjections.

Mr. Mike Colle: You say “all in favour”—

The Chair (Mr. Grant Crack): Yes, I’m trying to get to that.

Those in favour? Those opposed? Defeated.

Government motion 27: schedule 5, section 4, subsection 13.2(1) of the Excellent Care for All Act, 2010: Shall the motion carry? Those in favour? Those opposed? The motion is carried.

Government motion 28: schedule 5, section 4, subsection 13.2(2) of the Excellent Care for All Act, 2010: Shall the motion carry? Those in favour? Those opposed? Carried.

NDP motion 29: schedule 5, section 4, subsection 13.2(2) of the Excellent Care for All Act, 2010: Shall the motion carry? Those in favour? Those opposed? The motion is defeated.

Ms. Catherine Fife: Question? Clarification?

The Chair (Mr. Grant Crack): No, there are no questions. Sorry.

Ms. Catherine Fife: There are no questions. Are you serious?

The Chair (Mr. Grant Crack): Well, if it’s—

Mr. Jeff Yurek: Point of order.

Ms. Catherine Fife: Point of order.

The Chair (Mr. Grant Crack): Okay, point of order.

Ms. Catherine Fife: If I wanted recorded votes on this, then how do I secure it? I have to ask before you do the amendment, and then we deal with it at the end?

The Chair (Mr. Grant Crack): As I go through it, you would have to be—

Ms. Catherine Fife: Every single time.

The Chair (Mr. Grant Crack): —right at the end, “Shall the motion carry?” is when you’d say, “Recorded vote.”

Ms. Catherine Fife: Okay.

The Chair (Mr. Grant Crack): NDP motion number 30: schedule 5, section 4, subsection 13.2(2), Excellent Care for All Act, 2010. Shall the motion carry?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. Those in favour?

Interjection.

The Chair (Mr. Grant Crack): Oh yes, it’s stacked till the end. Sorry.

Government motion 31: schedule 5, section 4—sorry.

Interjection.

The Chair (Mr. Grant Crack): Government motion 31: schedule 5, section 4, subsection 13.2(3), Excellent Care for All Act, 2010. Does the motion carry? Those in favour? Those opposed? The motion is carried.

NDP motion 32—I’ll read it into the record: schedule 5, section 4, subsection 13.2(3), Excellent Care for All Act, 2010. I must note that this is out of order as the text it seeks to strike out has been amended by the previous motion.

Moving on to NDP motion number 33: schedule 5, section 4, subsection 13.2(3), Excellent Care for All Act, 2010.

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Ms. Ann Hoggarth: Point of order?

The Chair (Mr. Grant Crack): Point of order, Ms. Hoggarth.

Ms. Ann Hoggarth: When we get to the end and we deal with these ones that require a recorded vote, they must go in the order that they’re in on our papers.

The Chair (Mr. Grant Crack): That’s correct.

Ms. Ann Hoggarth: Thank you.

The Chair (Mr. Grant Crack): NDP motion number 34: schedule 5, section 4, subsection 13.2(4), Excellent Care for All Act, 2010.

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. It shall be deferred till the end.

Government motion 35: schedule 5, section 4, subsection 13.2(4), Excellent Care for All Act, 2010. Those in favour? Those opposed? The motion is carried.

NDP motion 36: schedule 5, section 4, subsection 13.3(3), Excellent Care for All Act, 2010. Those in favour?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. It will be voted on at the end.

Government motion 37: schedule 5, section 4, subsection 13.3(3), Excellent Care for All Act, 2010. Those in favour? Those opposed? The motion is carried.

NDP motion 38: schedule 5, section 4, subsection 13.3(3.1), Excellent Care for All Act, 2010. Those in favour?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

NDP motion 39: schedule 5, section 4, subsection 13.3(6), Excellent Care for All Act, 2010. Those in favour?

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Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): A recorded vote has been requested.

Government motion 40: schedule 5, section 4, subsection 13.3(6), Excellent Care for All Act, 2010. Those in favour of the motion? Those opposed? The motion is carried.

NDP motion 41: schedule 5, section 4, subsection 13.3(8), Excellent Care for All Act, 2010.

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Government motion 42: schedule 5, section 4, clause 13.3(12)(a), Excellent Care for All Act, 2010. Those in favour of the motion? Those opposed? Carried.

NDP motion 43: schedule 5, section 4, clause 13.3(12)(a), Excellent Care for All Act, 2010. Those in favour?

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a recorded vote request.

NDP motion 44: schedule 5, section 4, subsection 13.3(20)—

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

NDP motion 45: schedule 5, section 4, subsection 13.3(21), Excellent Care for All Act, 2010.

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): A recorded vote request.

Government motion 46: schedule 5, section 4, subsection 13.4(2), Excellent Care for All Act, 2010. Those in favour? Those opposed? The motion is carried.

Government motion 47: schedule 5, section 4, subsection 13.4(3), Excellent Care for All Act, 2010. Those in favour? Those opposed? The motion is carried.

NDP motion 48: schedule 5, section 4, section 13.4, Excellent Care for All Act, 2010.

Mr. Jeff Yurek: Recorded vote.

Ms. Catherine Fife: Thanks, Jeff. Tag team?

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

NDP motion 49: schedule 5, section 4, subsection 13.5(1), Excellent Care for All Act, 2010.

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): A request for a recorded vote.

NDP motion 50: schedule 5, section 4, sections 13.1, 13.2, 13.3, 13.4, 13.5, 13.6 and 13.7, Excellent Care for All Act, 2010.

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

NDP motion 51—

Interjection.

The Chair (Mr. Grant Crack): Members of the committee, that was schedule 5, section 4. Typically, we would vote on whether the schedule would carry, but because of the recorded votes, we will do this one at the end.

We shall move to schedule 5, section 5, at this time.

We have NDP motion 51: schedule 5, section 5, clause 16(1)(t.1), Excellent Care for All Act, 2010.

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

NDP motion 52: Excellent Care for All Act, 2010—

Ms. Catherine Fife: Recorded vote.

Interjection.

The Chair (Mr. Grant Crack): —schedule 5, section 5, clause 16(1)(t.1), Excellent Care for All Act.

Amendment 20 was lost, so this amendment is now out of order because it was dependent on that amendment—out of order, number 52.

Ms. Ann Hoggarth: Can we have an explanation, please?

Mr. Yvan Baker: Can you explain what happened?

The Chair (Mr. Grant Crack): Okay. NDP motion number 20 was lost. Had it passed, this would have been relevant. As such, it lost, so it becomes irrelevant. Okay, so—

Mr. Mike Colle: Can we have a five-minute recess?

Mr. Jeff Yurek: You can only get 20.

Mr. Mike Colle: We'll just clear it up. A 10-minute recess—

The Chair (Mr. Grant Crack): I'm being advised that the 20-minute recess that is available would be between the business and the recorded vote.

Mr. Mike Colle: So right now we can't request a five-minute recess with unanimous consent?

The Chair (Mr. Grant Crack): The time allocation motion does not permit that.

Mr. Mike Colle: Even if you have to go to the wash-room, you can't—

Ms. Catherine Fife: You've got to sit there, Mike.

The Chair (Mr. Grant Crack): I would like to just explain: We've been at this for just a little bit over an hour. Had we been going a number of hours and I felt that perhaps, using my discretion as Chair, a health break would be required and/or necessary, I would use my discretion. But I think we should be fine until further notice.

We will move on to the next schedule, section 6—sorry. Sometimes, as Chair, I move too fast and just want to keep going.

We will deal with schedule 5, section 5 at the end of the votes, and we'll move to schedule 5, section 6.

Shall schedule 5, section 6, carry? Those in favour? Those opposed? Carried.

We're going to move to schedule 6 at this point. We will deal with schedule 5 at the end, after the recorded votes.

Moving on to schedule 6, sections 1, 2, 3, 4 and 5: Would it be permissible to lump those together? I don't hear a no, so we shall move ahead.

Shall schedule 6, section 1, section 2, section 3, section 4 and section 5, carry? Those in favour? Those opposed? Carried.

Shall schedule 6 carry? Those in favour? Carried.

Moving on to schedule 7, shall schedule 7, section 1, carry? Those in favour? Those opposed? Carried.

Shall schedule 7, section 2, carry? Those in favour? Those opposed? Carried.

We have PC motion number 53: schedule 7, section 2.1, section 75 of the Legislative Assembly Act.

Mr. Jeff Yurek: Recorded vote.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote, but I will call this motion out of order, as it proposes to introduce a section that is beyond the scope of the bill.

Schedule 7, section 3: Shall schedule 7, section 3, carry? Those in favour?

Mr. Mike Colle: What about section 2?

The Chair (Mr. Grant Crack): Schedule 7, section 2 has carried.

1520

Shall schedule 7, section 3, carry? Those in favour? Those opposed? Carried.

Shall schedule 7 carry? Those in favour? Those opposed? Carried.

We shall move to schedule 8. We have NDP motion 54: schedule 8, subsection 1(1), Lobbyists Registration Act, 1998, definition of “high-level public office holder.”

Ms. Catherine Fife: Recorded vote, please.

The Chair (Mr. Grant Crack): There has been a request for a recorded vote.

Schedule 8, section 2, section 3 and section 4, have no amendments. Can we lump those together? It has been agreed.

Shall schedule 8, sections 2, 3 and 4, carry? Those in favour? Those opposed? Carried.

Moving on to government motion 55: schedule 8, section 5, subsection 3.4(3) of the Lobbyists Registration Act, 1998. Those in favour? Those opposed? Carried.

Shall schedule 8, section 5, as amended, carry? Those in favour? Those opposed? Carried.

Moving on to schedule 8, a new section, 5.1: Schedule 8, section 5.1, section 3.5, Lobbyists Registration Act, 1998. This is NDP motion 56.

Ms. Catherine Fife: Recorded vote.

The Chair (Mr. Grant Crack): There has been—

Mr. Yvan Baker: Chair, point of order.

The Chair (Mr. Grant Crack): Mr. Baker.

Mr. Yvan Baker: Could I make a proposal that we just make all the votes recorded?

The Chair (Mr. Grant Crack): You could do that, yes. That’s a lot of work for the Clerk, but that’s okay. Is there agreement in the committee that all votes be recorded?

Ms. Catherine Fife: All schedule 8?

The Chair (Mr. Grant Crack): Every vote from here on in, one right after the other.

Ms. Catherine Fife: Good.

The Chair (Mr. Grant Crack): Yes?

Ms. Catherine Fife: Yes.

The Chair (Mr. Grant Crack): There’s no opposition? We shall do recorded votes on everything until the end—or would you prefer recorded votes on just the amendments?

Mr. Yvan Baker: Why don’t we just do recorded votes on everything?

The Chair (Mr. Grant Crack): On everything?

Mr. Jeff Yurek: I’d say the amendments.

Mr. Yvan Baker: I say we go with everything.

Mr. Jeff Yurek: If we don’t have agreement, we’re just going to carry on, so I say amendments.

The Chair (Mr. Grant Crack): Ms. Fife.

Ms. Catherine Fife: Chair, there’s no disagreement, as has already been indicated, with sections 4, 6 and 7, where we came to consensus, and those sections of the bill passed.

Having a recorded vote from here on in with the amendments that have already been referenced seems reasonable, but going through every single amendment of

Bill 8—is the intention just to drag the proceedings out or to actually have a clear indication of what the parties are feeling about the amendments? We’re only on amendment 56 of 123.

The Chair (Mr. Grant Crack): According to the order of the House, I have to do my job as Chair as well. There’s really no discussion. Mr. Baker has made a proposal of having a recorded vote on every vote before this committee. It is the consensus of the committee to—

Mr. Jeff Yurek: No.

Mr. Mike Colle: We don’t need unanimous consent. Do we need unanimous consent? With a request for a recorded vote, you don’t need unanimous consent.

The Chair (Mr. Grant Crack): You just need the request, right?

Mr. Mike Colle: Yes.

Ms. Catherine Fife: But Chair—

The Chair (Mr. Grant Crack): There has been a request for a recorded vote. I chaired a meeting previously where there was one request for a recorded vote on all—

Mr. Jeff Yurek: But everybody agreed.

Ms. Catherine Fife: A question, though: At the start of this meeting, we were instructed that if we wanted to make every vote a recorded vote, then we should do so at the beginning. That’s why I had to go through every single one. You already made one ruling which actually contradicts the motion that’s on the floor to have a recorded vote on every single amendment in Bill 8.

The Chair (Mr. Grant Crack): Every member has the right to make the request, as you have made the request as well. I did not make a ruling on that. I just honour the request that has been made. Had any member of the committee requested a recorded vote on any and all, then I would say, “Agreed.”

Mr. Jeff Yurek: Could I see in the regulations where that’s spelled out, that it’s not consent?

The Chair (Mr. Grant Crack): At some point, yes, but we’re going to continue the business before us.

I believe we’re at schedule 8. There has been a request for a recorded vote on every vote, so we shall proceed in that manner.

Interjection.

The Chair (Mr. Grant Crack): I’ve been advised that since there has been a request for a recorded vote for everything here on in, then we will go back to the first request for a recorded vote.

Mr. Jeff Yurek: Chair, a point of order.

The Chair (Mr. Grant Crack): Point of order, Mr. Yurek.

Mr. Jeff Yurek: Chair, I would like to request that we only do recorded votes on amended items.

The Chair (Mr. Grant Crack): Well, I believe there’s already going to be a recorded vote on every aspect of the bill. That has been the request, and I have to honour that.

Interjections.

The Chair (Mr. Grant Crack): Okay. Thank you very much, everyone, for your patience. The first request for a recorded vote occurred on NDP motion 30.

Mr. Mike Colle: So we've got to go back to 30.

The Chair (Mr. Grant Crack): Yes. I shall reread it.

NDP motion 30: schedule 5, section 4, subsection 13.2(2) of the Excellent Care for All Act, 2010.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 33: schedule 5, section 4, subsection 13.2(3) of the Excellent Care for All Act, 2010.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 34: schedule 5, section 4, subsection 13.2(4) of the Excellent Care of All Act, 2010.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 36: schedule 5, section 4, subsection 13.3(3) of the Excellent Care for All Act, 2010.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 38: schedule 5, section 4, subsection 13.3(3.1) of the Excellent Care for All Act, 2010.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated

1530

NDP motion 39: schedule 5, section 4, subsection 13.3(6) of the Excellent Care for All Act, 2010.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 41: schedule 5, section 4, subsection 13.3(8) of the Excellent Care for All Act, 2010.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 43: schedule 5, section 4, clause 13.3(12)(a) of the Excellent Care for All Act, 2010.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 44: schedule 5, section 4, subsection 13.3(20) of the Excellent Care for All Act, 2010.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala, Yurek.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 45: schedule 5, section 4, subsection 13.3(21) of the Excellent Care for All Act, 2010.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 48: schedule 5, section 4, section 13.4 of the Excellent Care for All Act, 2010.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 49: schedule 5, section 4, subsection 13.5(1) of the Excellent Care for All Act, 2010.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Ms. Catherine Fife: That was 48?

The Chair (Mr. Grant Crack): That was 49.

Ms. Catherine Fife: Did you do 48?

The Chair (Mr. Grant Crack): I did.

Ms. Catherine Fife: That was a good one, too.

The Chair (Mr. Grant Crack): NDP motion 50: Schedule 5, section 4, subsections 13.1, 13.2, 13.3, 13.4, 13.5, 13.6 and 13.7 of the Excellent Care for All Act, 2010.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 5, section 4, as amended, carry?

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

NDP motion number 51: schedule 5, section 5, clause 16(1)(t.1) of the Excellent Care for All Act, 2010—that was dependent on amendment 50 passing. Since amendment 50 was lost, this amendment is out of order.

Mr. Yvan Baker: Sorry, Chair. Which motion was that?

The Chair (Mr. Grant Crack): NDP amendment 51: If amendment 50 was lost, which it just was, then this amendment is out of order, as it is dependent on an amendment that has already been defeated.

Mr. Yvan Baker: That's 51 that you're referring to.

The Chair (Mr. Grant Crack): That's correct. This is 51 in reference to 50.

Ms. Catherine Fife: Fifty-one passed.

The Chair (Mr. Grant Crack): No. You had requested a recorded vote for 51. As such, because it's dependent on 50 passing, it's now out of order.

Fifty-two was declared out of order.

We've moved down schedule 5 to section 6. Right? So we're on schedule 5, section 5.

Shall schedule 5, section 5, as amended, carry?

Interjection.

The Chair (Mr. Grant Crack): It's not amended? No, it wasn't amended.

Shall schedule 5, section 5, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

Mr. Jeff Yurek: Chair, can I have a point of order when you get a chance?

The Chair (Mr. Grant Crack): Point of order.

Mr. Jeff Yurek: Chair, I know that you ruled my motion 53 out of order. Can I just have an explanation as to why it was ruled out of order?

The Chair (Mr. Grant Crack): I don't think we're at 53 yet, so maybe when we get there. Would that be okay?

Mr. Jeff Yurek: That would be fine.

The Chair (Mr. Grant Crack): Thank you, sir.

We have already gone through schedule 5, section 6; it has carried. So we'll do the schedule in its entirety now.

Shall schedule 5, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): Schedule 5 is carried. Schedule 6, sections 1, 2, 3, 4 and 5 have all been carried, and this whole schedule was also carried.

Then we move to schedule 7 and the point of order.

You're asking why your motion 53 is out of order. It's because it proposes to introduce a section that is beyond the scope of the bill. That's all I can say.

Mr. Jeff Yurek: Can I comment on that?

The Chair (Mr. Grant Crack): No. Thank you very much. I'm trying to be as nice as I can.

Mr. Jeff Yurek: Can I have a point of order?

The Chair (Mr. Grant Crack): Point of order, Mr. Yurek.

Mr. Jeff Yurek: I don't believe this is actually creating something new in the legislation. In fact, it's just expanding upon the number of people posting on a site. The money comes from the same pool that is spent. It's not something entirely different in this Legislature. I'm questioning your ruling making that amendment out of order.

The Chair (Mr. Grant Crack): Thank you very much, but the ruling still stands. I guess we'll do what we can to get you an explanation, unless the Clerk wants to—

Mr. Jeff Yurek: So you're saying we've got to agree to disagree. Is that it?

The Chair (Mr. Grant Crack): Well, there are options you can take, other alternatives. If you're not satisfied with the ruling of the Chair, you can appeal it. But we are here to continue with business according to the order from the House.

Mr. Jeff Yurek: If I appeal it, what's the process for appealing, Chair?

The Chair (Mr. Grant Crack): I will ask you: Shall the Chair's ruling be appealed to the Speaker? Are you appealing it? Yes or no?

Mr. Jeff Yurek: Yes.

The Chair (Mr. Grant Crack): This is to the committee: Shall the Chair's ruling be appealed to the Speaker? This is without debate. All in favour? Those opposed? Sorry, Mr. Yurek.

We already went through schedule 7, section 3.

1540

We have a recorded vote on NDP motion number 54: schedule 8, subsection 1(1) of the Lobbyists Registration Act, 1998, definition of "high-level public office holder."

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala, Yurek.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 8, section 1, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

Now we're at NDP motion number 56: schedule 8, section 5.1, section 3.5 of the Lobbyists Registration Act, 1998.

Mr. Yvan Baker: Point of clarification: Can you repeat the number of the motion?

The Chair (Mr. Grant Crack): It's NDP motion 56.

Mr. Yvan Baker: Motion 56, thank you.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Government motion 57: schedule 8, subsection 6(3), subparagraphs 1.1 v and vii of subsection 4(4) of the Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

Mr. Yvan Baker: On a point of order, Mr. Chair: Do we need to carry schedule 8, section 5?

The Chair (Mr. Grant Crack): We did carry schedule 8, section 5. Then there was a new section proposed by the NDP under 56, which was defeated. So it had already been—

Mr. Yvan Baker: Oh, I see. We had already done that. Got it, thank you.

The Chair (Mr. Grant Crack): We shall move to government motion number 58: schedule 8, subsection 6(11), paragraph 9 of subsection 4(4) of the Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

Shall schedule 8, section 6, as amended, carry?

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

NDP motion number 59: schedule 8, section 7, section 4.1 of the Lobbyists Registration Act, 1998.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 8, section 7, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

The Chair (Mr. Grant Crack): NDP motion number 60: schedule 8, subsection 8(1), subsection 5(1.1) of the Lobbyists Registration Act, 1998.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Government motion 61: schedule 8, subsection 8(1), subparagraphs 10 v and vii of subsection 5(3), Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

Government motion 62: schedule 8, subsection 8(1), paragraphs 11 and 12, of subsection 5(3), Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala, Yurek.

Nays

Fife.

The Chair (Mr. Grant Crack): Those opposed? Ms. Fife? Yes? No?

Ms. Catherine Fife: I'm opposed. I'm really opposed.

The Chair (Mr. Grant Crack): Okay, I hadn't asked for opposed, and your hand was up, so the Clerk was a little unsure. But we're going to make sure in the record.

The motion is carried.

NDP motion 63: schedule 8, subsection 8(2), definition of "in-house lobbyists," in subsection 5(7), Lobbyists Registration Act, 1998.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Government motion 64: schedule 8, subsection 8(2), definition of "in-house lobbyists," in subsection 5(7), Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 8, section 8, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

NDP motion 65: schedule 8, subsection 9(2), subsection 6(2), Lobbyists Registration Act, 1998.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Government motion 66: schedule 8, subsection 9(8), subparagraphs 8.1 v and vii, of subsection 6(3), Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

1550

Government motion 67: schedule 8, subsection 9(9), paragraphs 9 and 10, of subsection 6(3), Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

NDP motion 68: schedule 8, subsection 9(16), definition of "in-house lobbyist" in subsection 6(5) of the Lobbyists Registration Act, 1998.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Government motion 69: schedule 8, subsection 9(16), definition of "in-house lobbyist" in subsection 6(5) of the Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 8, section 9, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala, Yurek.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 8, section 10, without amendments, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

NDP motion number 70: schedule 8, subsection 11(1), subsection 15(1.2) of the Lobbyists Registration Act, 1998.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 8, section 11, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): Schedule 8, section 11 is carried.

Shall schedule 8, section 12, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): Schedule 8, section 12 is carried.

Government motion 71: schedule 8, section 13, subsection 17.4(1) of the Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala, Yurek.

The Chair (Mr. Grant Crack): None opposed. Carried.

Government motion 72: schedule 8, section 13, subsection 17.10(2) of the Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala, Yurek.

The Chair (Mr. Grant Crack): None opposed. Carried.

Government motion 73: schedule 8, section 13, clauses 17.12(a) and (b) of the Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife, Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 8, section 13, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

NDP motion number 74: schedule 8, section 13.1, section 17.13 of the Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

NDP motion 75: schedule 8, subsection 14(2), subsection 18(2) of the Lobbyists Registration Act, 1998. I've got to check something.

This is out of order because number 60 was lost, and as such, it was dependent on a motion that has already been defeated. So I shall call this one out of order.

Mr. Mike Colle: Which number is that?

The Chair (Mr. Grant Crack): NDP motion 75.

NDP motion 76: schedule 8, subsection 14(3), subsection 18(3) of the Lobbyists Registration Act, 1998. That was dependent on motion number 65 passing, and it was defeated, so the amendment is out of order.

Mr. Mike Colle: That's 76?

The Chair (Mr. Grant Crack): NDP motion 76: out of order.

NDP motion 77: schedule 8, subsection 14(8.1), subsection 18(7.5) of the Lobbyists Registration Act, 1998. Did 56 pass, Madam Clerk?

Interjection.

The Chair (Mr. Grant Crack): It was lost, so as such, then this motion is out of order.

Mr. Mike Colle: That's 77?

The Chair (Mr. Grant Crack): Yes, because 56 was defeated.

NDP motion number 78: schedule 8, subsection 14(8.2), subsection 18(7.6) of the Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

Shall schedule 8, section 14, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): Schedule 8, section 14, is carried.

NDP motion 79: schedule 8, section 14.1, section 18.1 of the Lobbyists Registration Act, 1998.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

There are no amendments to schedule 8, section 15. Shall schedule 8, section 15, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. Schedule 8, section 15 is carried.

1600

There are no amendments to schedule 8, section 16. Shall schedule 8, section 16, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. Section 16 is carried.

Shall schedule 8, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): Schedule 8 is carried, as amended.

How is everybody's health? Good.

Interjection.

The Chair (Mr. Grant Crack): You're a pharmacist; you should know what's wrong.

NDP motion number 80: schedule 9, subsection 1(0.1), section 1 of the Ombudsman Act.

Interjections.

The Chair (Mr. Grant Crack): This is a new section, I believe. It's schedule 9, new subsection 1(0.1), section 1 of the Ombudsman Act. Motion 80: NDP. Did I not say that?

Interjections.

The Chair (Mr. Grant Crack): It's schedule 9, section 1. It's a new subsection proposed by NDP motion number 80.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 9, section 1, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. Schedule 9, section 1, carried.

We have schedule 9, sections 2, 3 and 4. Can we lump those? There is consensus to lump. Shall schedule 9, section 2; schedule 9, section 3; and schedule 9, section 4, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): Carried. Shall schedule 9, section 4, carry?

Interjections.

The Chair (Mr. Grant Crack): Oh, I just did those all together.

Mr. Mike Colle: Yes, you lumped them, remember?

The Chair (Mr. Grant Crack): I did. I'm sorry.

That's my first mistake; I hope everybody is okay there now.

Schedule 9, section 5. It's NDP motion number 81: schedule 9, subsection 5(0.1), subsection 13(1.1) of the Ombudsman Act.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 9, section 5, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

Government motion number 82: schedule 9, subsection 6(7), subsection 14(4.2) to (4.5), Ombudsman Act.

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

Government motion number 83: schedule 9, subsection 6(8), subsection 14(5), Ombudsman Act.

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala, Yurek.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 9, section 6, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): Schedule 9, section 6, is carried.

So we have schedule—

Mr. Mike Colle: Can we do a lump?

The Chair (Mr. Grant Crack): As amended, yes. Schedule 9, section 6, is carried as amended.

There is a request to lump schedule 9, sections 7, 8, 9, 10, 11 and 12. Is it the committee's will to lump? We shall lump.

Shall schedule 9, section 7, section 8, section 9, section 10, section 11 and section 12, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

Mr. Arthur Potts: Chair, some clarification.

The Chair (Mr. Grant Crack): Mr. Potts on a point—

Mr. Arthur Potts: Am I properly constituted in this committee at this point in time?

The Chair (Mr. Grant Crack): Point of order?

Mr. Arthur Potts: Point of order.

The Chair (Mr. Grant Crack): From 4:15 until 5:15, so another seven minutes.

Mr. Arthur Potts: Oh. Sorry.

The Chair (Mr. Grant Crack): PC motion number 84: schedule 9, subsection 13(3), subsection 25(2.1), Ombudsman Act.

Interjection: This is 84?

The Chair (Mr. Grant Crack): This is PC motion 84.

Ayes

Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 9, section 13, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Mr. Mike Colle: Can we lump the rest?

The Chair (Mr. Grant Crack): We're just dealing with the one that had the amendment. None opposed. The motion is carried.

Mr. Mike Colle: I move to lump the rest.

The Chair (Mr. Grant Crack): There has been a request to lump schedule 9, section 14, section 15, section 16, section 17, section 18 and section 19—no, 18. Up to 18. Is it the will of the committee to lump these sections? Very good.

Shall schedule 9, section 14, section 15, section 16, section 17 and section 18, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

Nays

Fife.

The Chair (Mr. Grant Crack): Those sections in the motion are carried.

1610

Schedule 9, section 19: It's a government motion, number 85. It's a notice to vote against.

Shall schedule 9, section 19, carry?

Mr. Yvan Baker: Point of clarification, Chair?

The Chair (Mr. Grant Crack): Point of order.

Mr. Yvan Baker: Point of order; sorry. In voting now, we're voting on the section?

The Chair (Mr. Grant Crack): That's correct. You're voting on schedule 9, section 19.

Nays

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None in favour. Schedule 9, section 19, is defeated.

We have schedule 9, sections 20, 21, 22 and 23. Is it the will of the committee that these be lumped together?

Shall schedule 9, section 20, section 21, section 22 and section 23, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. The motion is carried. For clarification, schedule 9, sections 20, 21, 22 and 23 are carried.

Government notice number 86: Shall schedule 9, section 24, carry?

Nays

Baker, Colle, Dickson, Fife, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None in favour. Schedule 9, section 24, is defeated. Okay, we'll do the next two.

Shall schedule 9, section 25, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. Schedule 9, section 25, is carried.

Shall schedule 9, section 26, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. The motion is carried. That is, schedule 9, section 26, is carried.

Shall schedule 9 carry? Just a second; there are some amendments. Shall schedule 9, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): None opposed. Schedule 9, as amended, is carried.

We shall move to schedule 10. This is PC motion 87. Schedule 10, subsection 1(1), clause 1(1)(d) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 88: schedule 10, subsection 1(1), clause 1(1)(d), Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Kiwala.

The Chair (Mr. Grant Crack): The motion is defeated.

Government motion 89: schedule 10, subsection 1(2), subsection 1(2) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Hoggarth, Potts, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

Shall schedule 10, section 1, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 10, section 1, as amended, is carried.

Government motion 90: schedule 10, subsection 2(2), definition of "systemic investigation" in subsection 2(1) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Hoggarth, Potts, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

NDP motion 91: schedule 10, subsection 2(2), definition of "systemic investigation" in subsection 2(1) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

PC motion 92: schedule 10, section 2, definition of “youth” in subsection 2(1) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Yurek.

Nays

Baker, Colle, Dickson, Fife, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 10, section 2, as amended, carry?

Ayes

Baker, Dickson, Hoggarth, Potts.

Nays

Fife.

The Chair (Mr. Grant Crack): Schedule 10, section 2, as amended, carries.

PC motion 93: schedule 10, section 3, subsection 4(3) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Yurek.

Nays

Baker, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 10, section 3, carry?

Ayes

Baker, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 10, section 3, is carried.

1620

Government motion 94: schedule 10, section 4, section 6 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Dickson, Hoggarth, Potts.

Nays

Yurek.

The Chair (Mr. Grant Crack): The motion is carried.

NDP motion 95: schedule 10, section 4, of the bill section 6 of the Provincial Advocate for Children and Youth Act, 2007. This is out of order. The committee has already decided on the question and cannot be asked to vote on the same matter twice, as we just passed government motion 94.

Shall schedule 10, section 4, as amended, carry?

Ayes

Baker, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 10, section 4, as amended, carries.

NDP motion 96: schedule 10, section 5, subsection 13.1(2) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife, Yurek.

Nays

Baker, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

PC motion 97: schedule 10, section 5, subsection 13.1(4) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife, Yurek.

Nays

Baker, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 98: schedule 10, section 5, subsection 13.1(4) of the Provincial Advocate for Children and

Youth Act, 2007. I shall declare this motion out of order, as it is the same as the previous motion that was just defeated, and the committee has already decided the question.

Government motion 99: schedule 10, section 5, subsection 13.1(4) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Dickson, Hoggarth, Potts, Yurek.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 10, section 5, as amended, carry?

Ayes

Baker, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 10, section 5, is carried.

Schedule 10, section 6: There are no amendments.

Shall schedule 10, section 6, carry?

Ayes

Baker, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 10, section 6, is carried.

PC motion 100: schedule 10, section 7, subsection 15(2) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Yurek.

Nays

Baker, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion number 101: schedule 10, section 7, section 15, Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

Government motion 102: schedule 10, section 7, section 15, Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 10, section 7, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

Nays

Fife.

The Chair (Mr. Grant Crack): Schedule 10, section 7, is carried.

Mr. Arthur Potts: Point of order, Chair.

The Chair (Mr. Grant Crack): Mr. Potts.

Mr. Arthur Potts: I'm just checking. I think there was 103. Did we miss that?

The Chair (Mr. Grant Crack): No, not yet.

Mr. Arthur Potts: No. Okay.

The Chair (Mr. Grant Crack): Moving on to schedule 10, a new section, 7.1, and NDP motion 103: schedule 10, section 7.1, section 15.1, Provincial Advocate for Children and Youth Act, 2007.

Ms. Catherine Fife: Point of order.

The Chair (Mr. Grant Crack): A point of order, Ms. Fife.

Ms. Catherine Fife: Mr. Chair, of course, this is our motion. I'd like to see it come to the floor. But the government has already voted against expanding the powers of the provincial advocate, so isn't this out of order?

Interjection.

The Chair (Mr. Grant Crack): It's not up for debate. It's not a point of order. It's a motion that's before the committee, so we can deal with it under the normal process.

Mr. Jeff Yurek: Can we appeal?

The Chair (Mr. Grant Crack): They could withdraw, if they like.

I think I've already done that, but maybe I'll do it again. NDP—

Mr. Mike Colle: What number are we at?

The Chair (Mr. Grant Crack): 103—NDP motion 103: schedule 10, section 7.1, section 15.1, Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

PC motion 104: schedule 10, subsection 8(1), subsection 16(1), Provincial Advocate for Children and Youth Act, 2007.

Ayes

Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

PC motion 105: schedule 10, subsection 8(2), subsection 16(3), Provincial Advocate for Children and Youth Act, 2007.

Ayes

Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

1630

Government motion 106: schedule 10, subsection 8(3), subsection 16(4.1) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

Shall schedule 10, section 8, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 10, section 8, as amended, is carried.

Government motion 107: schedule 10, section 9, section 16.1 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

PC motion 108: schedule 10, section 9, subsection 16.1(6) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Yurek.

Nays

Baker, Colle, Dickson, Fife, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 109: schedule 10, section 9, section 16.1 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 110: schedule 10, section 9, section 16.1.1 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 111: schedule 10, section 9, subsections 16.2(1) and (2) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

PC motion 112: schedule 10, section 9, subsection 16.2(3) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Potts, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

NDP motion 113: schedule 10, section 9, subsection 16.2(3) of the Provincial Advocate for Children and Youth Act, 2007—this motion I will rule out of order as it is the same as the previous motion, 112, which was just passed, and we cannot ask the committee to vote twice on the same matter.

Yes, Mr. Yurek?

Mr. Jeff Yurek: Point of order. I would just like it to be put into the record that this is the first amendment under this majority government that the PC Party has won in general government, so I just wanted to congratulate the government for finally seeing things our way on this bill.

Mr. Mike Colle: During Mike Harris, we had maybe one amendment in 10 years.

The Chair (Mr. Grant Crack): That's not a point of order, but thank you for sharing the news with us.

Interjections.

The Chair (Mr. Grant Crack): Order. Thank you all.

NDP motion 114: schedule 10, section 9, section 16.3, Provincial Advocate for Children and Youth Act, 2007.

Interjections.

The Chair (Mr. Grant Crack): It's NDP motion 114.

Ms. Catherine Fife: Is this 114?

The Chair (Mr. Grant Crack): Yes.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

Government motion 115: schedule 10, section 9, subsection 16.4(2) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

PC motion 116: schedule 10, section 9, section 16.4 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Yurek.

Nays

Baker, Colle, Dickson, Fife, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

Next is NDP motion 117: schedule 10, section 9, section 16.4 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 10, section 9, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

Nays

Fife.

The Chair (Mr. Grant Crack): Schedule 10, section 9, is carried.

We shall move to PC motion 118. We are at schedule 10, section 10.

We're at PC motion 118: schedule 10, section 10, subsection 17(1) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 119: schedule 10, section 10, section 17 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 10, section 10, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 10, section 10, is carried.

We shall move to schedule 10, section 11,

This is government motion 120: schedule 10, subsection 11(2), paragraph 3.1 of section 20 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Potts, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

Government motion 121: schedule 10, subsection 11(4), paragraph 4.1 of section 20 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Potts, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

1640

NDP motion 122: schedule 10, subsection 11(6), paragraph 7 of section 20 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

Shall schedule 10, section 11, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 10, section 11, as amended, carries.

Moving on to schedule 10, section 12. This is PC motion 123: schedule 10, section 12, subsection 21.1(2) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

NDP motion 124: schedule 10, section 12, subsection 21.1(2) of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Fife, Yurek.

Nays

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): The motion is defeated.

Government motion 125: schedule 10, section 12, subsection 21.1 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Hoggarth, Potts, Yurek.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

Shall schedule 10, section 12, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 10, section 12, as amended, is carried.

We shall move to schedule 10, new section 12.1, government motion 126: schedule 10, section 12.1, section 21.3 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

Nays

Fife.

The Chair (Mr. Grant Crack): The motion is carried.

Schedule 10, new section 12.2, government motion 127: schedule 10, section 12.2, section 22.1 of the Provincial Advocate for Children and Youth Act, 2007.

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Potts, Yurek.

The Chair (Mr. Grant Crack): None opposed. The motion is carried.

Moving right along to schedule 10, section 13. Shall schedule 10—

Interjection.

The Chair (Mr. Grant Crack): These were new sections. We're all good.

Shall schedule 10, section 13, carry without amendment?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 10, section 13, is carried.

Shall schedule 10, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 10 is carried.

We'll move to schedule 11, section 1, section 2, section 3, section 4 and section 5. There are no amendments. Is it the wish of the committee to lump? Okay.

Shall schedule 11, section 1, section 2, section 3, section 4 and section 5, carry?

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 11, sections 1, 2, 3, 4 and 5 are carried. Shall schedule 11 carry?

Ayes

Baker, Colle, Dickson, Fife, Hoggarth, Potts.

The Chair (Mr. Grant Crack): None opposed. Schedule 11 is carried. Shall the title of the bill carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts, Yurek.

Nays

Fife.

The Chair (Mr. Grant Crack): The title of the bill is carried.

Shall Bill 8, as amended, carry?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

Nays

Fife.

The Chair (Mr. Grant Crack): Bill 8, as amended, is carried.

Shall I report the bill, as amended, to the House?

Ayes

Baker, Colle, Dickson, Hoggarth, Potts.

Nays

Fife.

The Chair (Mr. Grant Crack): I will report the bill, as amended, to the House. It is carried.

There being no further business, I would like to thank all members of the committee for their good work, and our support staff on all sides, and the Clerk for doing such a great job at naming everyone, and Hansard and legal counsel. Thank you very much, everyone.

This meeting is adjourned.

The committee adjourned at 1648.

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Monday 8 December 2014

Journal des débats (Hansard)

Lundi 8 décembre 2014

Standing Committee on General Government

Security for Courts, Electricity
Generating Facilities and
Nuclear Facilities Act, 2014

Comité permanent des affaires gouvernementales

Loi de 2014 sur la sécurité
des tribunaux, des centrales
électriques et des installations
nucléaires



Chair: Grant Crack
Clerk: Sylwia Przedziecki

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Monday 8 December 2014

Lundi 8 décembre 2014

*The committee met at 1400 in committee room 2.*SECURITY FOR COURTS, ELECTRICITY
GENERATING FACILITIES
AND NUCLEAR FACILITIES ACT, 2014
LOI DE 2014 SUR
LA SÉCURITÉ DES TRIBUNAUX,
DES CENTRALES ÉLECTRIQUES
ET DES INSTALLATIONS NUCLÉAIRES

Consideration of the following bill:

Bill 35, An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2014 / Projet de loi 35, Loi abrogeant la Loi sur la protection des ouvrages publics, modifiant la Loi sur les services policiers en ce qui concerne la sécurité des tribunaux et édictant la Loi de 2014 sur la sécurité des centrales électriques et des installations nucléaires.

The Chair (Mr. Grant Crack): Good afternoon, everyone. I'd like to call the meeting of the Standing Committee on General Government to order. I'd like to welcome all members of the committee, the Clerk's office, Hansard, legislative research and, of course, our presenters as well.

This afternoon we're here to hear three deputations from stakeholders from the community regarding Bill 35, which is An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2014. This afternoon, as I said, we will hear from three presenters. Each presenter will have five minutes to address the committee, followed by three minutes from each party of questioning, comments, that sort of thing.

ONTARIO POWER GENERATION

The Chair (Mr. Grant Crack): It's my great pleasure to welcome, from Ontario Power Generation, Mr. Paul Nadeau and Mr. Carlton Mathias this afternoon. Welcome, gentlemen. You have five minutes.

Mr. Paul Nadeau: Good afternoon. My name is Paul Nadeau. I am the vice-president in charge of security and emergency services for Ontario Power Generation. I am

accompanied today by Carlton Mathias, assistant general counsel for OPG.

Having been previously consulted by the Honourable Roy McMurtry and having had the opportunity to present to the steering committee on justice policy in April 2012, Ontario Power Generation is pleased that electricity generating facilities, and nuclear facilities in particular, continue to be recognized in Bill 35 as requiring enhanced security protection.

It is Ontario Power Generation's position that the protection afforded to electricity generating facilities by Bill 35 meets with the best interests of the people of Ontario. It does so by providing electricity-generating utilities with clarity regarding the powers and authorities upon which our officers may rely while respecting the rights of private citizens.

In our April 2012 presentation to the justice policy steering committee, OPG requested that consideration be given to clarifying authorities in relation to dealing with persons engaged in suspicious activities. The committee clearly listened to our concerns, and those issues have been effectively dispositioned in Bill 35.

In closing, Bill 35 provides clear and concise guidance, reducing risk to the security of Ontario's electricity generation facilities, while striking a balance with the rights of the public. Ontario Power Generation fully supports the passing of Bill 35.

I wish to thank the committee for allowing us the opportunity to speak this afternoon, and we are available to answer any questions you may have.

The Chair (Mr. Grant Crack): Thank you very much. That is a record: two minutes out of five. Congratulations.

Mr. Paul Nadeau: I can read it again if you want.

The Chair (Mr. Grant Crack): So we will start traditionally with the members of the official opposition. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, gentlemen, for joining us today. I happened to be at those hearings way back then in April 2012, so we're going steady on this one. That was maybe a more interesting process, because it would appear that most of the contentious issues or the concerns that you had as a huge generator of nuclear power in this province—and we did have your president and CEO, Tom Mitchell, here a couple of weeks ago on the public accounts committee, I guess.

Would it be fair to say, then, that all of the concerns that you have are addressed in the new legislation and that you're not looking for any other amendments to this bill?

Mr. Paul Nadeau: That's correct, yes.

Mr. John Yakabuski: Then I have no further questions. I don't know if my colleague—

Interjection: No, I'm good.

Mr. John Yakabuski: We're on the same page here. I believe that every amendment that was put forward by the opposition, ourselves, for this bill was incorporated into the bill. I appreciate the co-operation of the government side on that, so hopefully we'll get this done fairly quickly. Thank you for coming today.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the NDP. Mr. Singh.

Mr. Jagmeet Singh: Thanks for being here. You mentioned in your opening remarks the rights of the public and striking a balance. What are the rights of the public that have been balanced out in this bill?

Mr. Paul Nadeau: The public, when they come on our property, can expect to be stopped; to be asked for identification; if necessary, to be searched; and that's about the extent of it. The previous legislation that was in place, the PWPA, to be exact, talked about work on the approaches to the facilities. This bill absolutely keeps our security officers on the property at all times. They have no authority to exercise any sort of stopping vehicles, identifying people "outside the fence," as I described it I think in my last appearance. So the activities are taking place solely on our property. That's what I meant by "respects the rights of the public."

Mr. Jagmeet Singh: Fair enough. That would answer my question about how a balance is struck; so the balance being struck in that powers are conferred to folks just inside the boundaries of the electricity-producing facility and not outside it on the approach to it?

Mr. Paul Nadeau: That's correct.

Mr. Jagmeet Singh: Okay. I have no further questions. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Singh.

We shall move to the government side. Mr. Balkissoon.

Mr. Bas Balkissoon: Thank you for being here this morning just to express your complete support of the revised bill. It's good to know that all the comments that we heard in the previous one are incorporated and you're now happy and there's nothing new that you want to—so thank you for taking the time to be here in person and present to us.

Mr. Paul Nadeau: Thank you.

The Chair (Mr. Grant Crack): Thank you very much, gentlemen. Any closing remarks? We do have time.

Mr. Paul Nadeau: No.

Mr. John Yakabuski: It doesn't get any easier than that—

Mr. Paul Nadeau: That's right. We'll take it.

The Chair (Mr. Grant Crack): Sorry. We do have one. Mr. Dickson.

Mr. Joe Dickson: Thank you. I'd like to correct the record. It's not this morning; it's this afternoon.

Interjection: It's been a long week.

The Chair (Mr. Grant Crack): That is correct.

Mr. John Yakabuski: That's okay, Joe. In a few hours, it'll be the evening.

Mr. Joe Dickson: I guess I've been asking questions of OPG for 30 to 35 years through city council out there and through regional council etc. My only concern is—and it's the NIMBY, not in my backyard, concern. When I walk out of my upper bedroom—my wife's bedroom—on to the upper deck, I'm sitting on Lake Ontario at the bottom of Ajax and I'm looking at the plant. I can turn around and drive the other way, in about 12 minutes, to get to the other plant, Darlington. You've gone through the process with Durham Regional Police Service—

Mr. Paul Nadeau: Correct.

Mr. Joe Dickson: —and that's all in place now etc. So my only concern is, is there enough here for you to do the job properly?

Mr. Paul Nadeau: Yes, absolutely.

Mr. Joe Dickson: Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Dickson, and thank you both for coming this afternoon.

Mr. Paul Nadeau: Thank you.

The Chair (Mr. Grant Crack): It is this afternoon, correct?

Mr. John Yakabuski: Thank you, gentlemen.

Interjections.

The Chair (Mr. Grant Crack): Okay. Let's have a little bit of order. It's great that we're co-operating for sure.

CANADIAN CIVIL LIBERTIES ASSOCIATION

The Chair (Mr. Grant Crack): Now we have with us, from the Canadian Civil Liberties Association, Ms. Pillay, general counsel and executive director. We welcome you this afternoon. You have five minutes.

Ms. Sukanya Pillay: Thank you very much. My name is Sukanya Pillay. As mentioned, I'm the general counsel and executive director of the Canadian Civil Liberties Association. On behalf of my organization, I would like to thank all of you for the opportunity to be here today and to comment on Bill 35.

In the interests of time, I'm going to restrict my comments to schedule 2, and my comments will focus on the portions of the bill that relate to courthouse security.

We recognize at the CCLA the importance and indeed the duty of government to ensure safety, security and to protect the public. This is foremost in all of our minds, particularly in light of recent tragic events in this province and in our country, yet there remain crucial fundamental democratic principles at stake which interplay with our need to ensure courthouse security in particular.

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These are: (1) the open court principle, which is a cornerstone of a fair and functional justice system in a free and democratic society; and (2) the right in the Canadian Charter of Rights and Freedoms to be free from unreasonable search and seizure, a right which we know is engaged by the exercise of police powers, including the right to demand information or to search a person or place, and a right with which this bill must comply.

We reiterate the findings of the Supreme Court of Canada on the crucial importance of the open court principle in a democratic society, which ensures access of citizens to courts and opportunity therefore to comment on how courts operate and proceedings that take place in them.

The open court principle, by enabling transparency, is a critical component to the integrity of the judicial process, a bulwark against arbitrary decision-making, and it ensures accordance with the rule of law. As such, courthouse security, which is essential, must be implemented in a manner which does not impede or create barriers to the open court principle. Rather, courthouse security must be done in a manner which reinforces the open court principle.

Getting specifically, then, to our recommendations under schedule 2, subsection 138(1), paragraph 1, we're very concerned about the general power entrusted to court security officers, which requires a person entering or attempting to enter a court proceeding or court premises to identify himself. In our view, this is an overbroad power and it is unjustifiable absent any individualized suspicion of a specific security threat. We find that this creates an unacceptable constraint upon public access to courts.

Secondly, the power entrusted to officers to ask an individual to provide information in order to determine if they're a threat—we also believe that this is an overbroad power. It creates, essentially, a power of mandatory interrogation that could be used conceivably to inquire into various aspects of an individual's life. Members of the public should not have to subject themselves to a fishing expedition or even to rebut some unwanted presumption prior to entering a courtroom or court premises. So we are concerned about that.

Thirdly, the bill also provides for the search of a vehicle. We find again that this is tantamount to a warrantless vehicle search, and, as with the other two indicia that I've already discussed this afternoon, this creates an invasive search power which, in our view, is by no means justified. Practically speaking, an individual, once they got out of their car and entered the court premises or the premises where the court proceedings would take place, would still be subject to the very same security checks as any individual who arrives at that courthouse, whether on their bicycle or by foot. So there's no real sense and there's no real justification here as to why this would enhance security.

Having said that, I would say that the way forward would be to look at what's being done in other jurisdic-

tions. I would point out that the Ontario bill has created powers that far exceed the powers in other jurisdictions. In our submissions, we have attached Manitoba legislation, which we believe is very helpful in terms of the way forward and in terms of very measured approaches to courthouse security.

Just to sum up, I would highlight that having looked at the security measures at play in other provinces and territories, we note that apart from Ontario none of the legislative frameworks give security officials a general power to demand information or to authorize vehicle searches, and only half the jurisdictions give officials the authority to demand identification upon entry, which, as I have already said, we believe engages section 8 of the charter and would be considered unreasonable.

Practically speaking, the other jurisdictions do allow bans on weapons and we would agree with all of that. Thank you.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to Mr. Singh, from the third party.

Mr. Jagmeet Singh: How much time do I have?

The Chair (Mr. Grant Crack): Three minutes.

Mr. Jagmeet Singh: Thank you.

Thank you so much for your wonderful presentation. I just want to cut right to some of the points. Would you agree, then, that the same criticism that applied to the PWPA, which was that some of the powers conferred were too broad and too vague, which resulted in the civil rights violations—that some of those same problems exist in the current legislation with the areas that you've pointed out?

Ms. Sukanya Pillay: Thank you very much for your question. Yes, that's precisely what we would argue. As you know, the CCLA was very much in favour of what we saw as an antiquated and unconstitutional act being repealed. We're happy to see that, but we are concerned about some of the same provisions being carried over into the realm of courthouse security.

Mr. Jagmeet Singh: Specifically, you mentioned—I want to highlight this because I think it's very informative. In your comparison, you compared nine other provinces and one territory. In that comparison, you found that none of these jurisdictions conferred the power to compel someone to provide information before they were able to enter a courthouse.

Ms. Sukanya Pillay: Just to clarify: Yes, none of them gave a general power to provide information.

Mr. Jagmeet Singh: And only half of them provided the power to require identification or require one to identify one's self.

Ms. Sukanya Pillay: That is what we found, correct.

Mr. Jagmeet Singh: Okay. The open court principle, essentially, as you indicated, is a hallmark of a free and democratic society. That's something that you mentioned. In the interest of transparency, if one was to believe in the idea of transparency, having access to an open court would forward or enhance the principle of transparency in our court system. Is that correct?

Ms. Sukanya Pillay: Absolutely.

Mr. Jagmeet Singh: Something that would act as a barrier, something that would discourage people to attend court, like provisions that require you to identify yourself and be subject to a fishing expedition, potentially, if used that way, would have a chilling effect on the ability to enter a courthouse or to access courthouses.

Ms. Sukanya Pillay: I believe so, and I believe that it would also have a deleterious impact on the trust that is required between the courts and the public.

Mr. Jagmeet Singh: Wonderful. Just to make it very clear, the CCLA's position on the broad power to require people to identify themselves is that it could apply to perhaps someone who was the victim of a crime, who is in the courthouse or is entering a courthouse and doesn't want, perhaps, to give their name so that people in line might not—you know, they might not want to have their name or identity revealed to people who might overhear it in the line. There might be other identity concerns that people might have.

Do you believe that this requirement to identify yourself and to provide information broadly would, in fact, create a barrier to accessing courts?

Ms. Sukanya Pillay: We do, for the simple reason that apart from any individualized suspicion, it would be an unjustifiable intrusion into an individual's privacy. There's no need to ask for it. It can create a barrier, and therefore we're opposed to it.

Mr. Jagmeet Singh: And the general powers of the police would exist anywhere, so if someone was acting in a manner where there was reasonable grounds to investigate or to have an investigative detention, those general powers of the police exist in a courthouse, outside of the courthouse, anywhere in Ontario.

Ms. Sukanya Pillay: Yes, you're correct. I would add to that as well that we are in favour of all the screening processes and we are very much in favour of security and public safety. The only thing that we would say is: Let's carry out that security in a way that reinforces the open court principle and doesn't constrain it.

Mr. Jagmeet Singh: Wonderful.

The Chair (Mr. Grant Crack): Good. Thank you very much. I appreciate it.

We'll move to the government side. Mr. Balkissoon.

Mr. Bas Balkissoon: Thank you for being here. I listened to you carefully. You're concerned about the bill and the general powers that it gives, but it's not mandatory. The bill clearly states that it's having the ability to exercise a power if it is reasonable to do so. Would you see any situations or a particular hearing in a court where this is not reasonable?

Ms. Sukanya Pillay: I think that the way the legislation is worded, it could very much turn into an on-the-ground, systematic practice of always asking for this information. There's nothing to show that having the name of an individual who enters a courtroom is going to enhance security in any way.

I think the proper question is to ask: Is this necessary? I would remind the committee members respectfully that it has been shown through our jurisprudence that these

sorts of powers do engage section 8 of the charter. So therefore, it's not enough that they would contribute to security or could be reasonable; what's required is that they must be shown to be absolutely necessary and a minimal impairment. In our view, neither of those two things are shown.

Mr. Bas Balkissoon: So the biggest concern you have, really, is that you worry that this could become routine for every particular case that's in the court.

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Ms. Sukanya Pillay: I'm worried that it could become routine, and I'm also worried that it does not conform with section 8 of the charter. Most importantly, I would say, because that is where we would feel the impact immediately, is that it would have a negative impact on the open court principle.

Mr. Bas Balkissoon: How do you see this bill in comparison to what exists today? Would you prefer to keep the status quo?

Ms. Sukanya Pillay: I think that this bill does important things by recognizing the need to uphold security, very much by repealing the act, as MPP Singh has just said. But I think that if you look at the Manitoba legislation, you can achieve security without creating overly broad, unjustifiable powers. The three powers in particular that I have iterated are the powers with which we are concerned, and we would ask that those be looked at by this committee.

Mr. Bas Balkissoon: If I could summarize, then, your main concern would be that it becomes routine. If it is only exercised when it's reasonable, you're okay with that.

Ms. Sukanya Pillay: My main concern is that you're creating, right off the bat by the passing of this legislation, an overly broad power. It's overly broad and it's unjustified. If the power was when there is a reasonable, individualized suspicion that somebody might be a security threat and then you are asking for information, that's very different than the language of the bill as it currently exists.

Mr. Bas Balkissoon: Then how would you change the language of the bill, other than striking out?

Ms. Sukanya Pillay: I would use the language I just used.

Mr. Bas Balkissoon: You have only struck it out. You have not suggested language, and that's my concern.

Ms. Sukanya Pillay: I think we did suggest language, actually. It's included in our submissions.

Mr. Bas Balkissoon: I'm looking at the page, and it's all strike-outs.

Ms. Sukanya Pillay: Let me just find the page and show it to you. I think it's page 8.

We've struck it out and proposed different language: "to submit to a security screening search ... for the purposes of locating any prohibited weapons." Then we've gone on to say, "This security screening may include...." Then we've taken out the, in our view, offending provisions with respect to vehicles and identification.

Mr. Bas Balkissoon: Right. If I look at that, it's prescriptive. As the world changes, every time security out there needs something new, they'll have to come back here. This bill has been in discussion for a couple of years.

Ms. Sukanya Pillay: May I just point out, as was already mentioned—

The Chair (Mr. Grant Crack): Final comment.

Ms. Sukanya Pillay: Sorry?

The Chair (Mr. Grant Crack): He's over his time, but I'll allow you to finish and then we'll move over.

Ms. Sukanya Pillay: Thank you. I would just say that the existing police powers are already there. We already have the powers. There is no need to enhance it with overly broad powers that might impede the open court principle.

The Chair (Mr. Grant Crack): Thank you very much. We shall move to the official opposition. Mr. Yakabuski.

Mr. John Yakabuski: Thank you very much, Ms. Pillay, for joining us today. I have a different view than you on this. I look at this bill—I was here for the original bill and how the amendments were made—and what I see here is a progressive ramping up or escalation of the security procedures that may or may not be used under certain circumstances, if you look at number 1, number 2, number 3, progressing into reasonable force, if necessary.

The general public understands that they are subject to the possibility to be identified—the possibility. I've never been asked for identification in a court; I've never seen anybody asked. However, if they know the possibility exists, I'd like to believe that that's a preventive measure in itself. If you're thinking of going to a courtroom to conduct yourself in a way that wouldn't be acceptable, and you know that these are the provisions that are in there: (a) we can ask who you are and ask you to answer some questions to determine if you're a risk; (b) then we can actually search you, search your vehicle; (c) then we can actually use reasonable force, if necessary—I think it's a very reasonable way of assessing a risk, determining if it exists and then dealing with it.

To the comments by my colleague Mr. Singh: If you are a victim, you have the opportunity to speak to a court officer and say, "Listen, I've been through this. I would really prefer, off-camera, not to be requested for this kind of security check." It's not necessarily a verbal check; it could be production of identification, which is a driver's licence or a picture ID. It doesn't threaten you with someone behind you in the line.

I think the changes that have been made have been reasonable. We expect to have some restrictions on our freedoms when they're designed to protect the general public. I think that what we have in this bill strikes a very, very good balance.

I understand that your organization starts from a different point of view. You believe in civil liberties; it's in your title. You're expected to argue against this. But I honestly believe that what the government has done here

has achieved a pretty good balance. You show me where this is genuinely a threat, and I may change my mind.

Ms. Sukanya Pillay: Thank you for the opportunity to address—am I allowed to address the comment?

Mr. John Yakabuski: Absolutely.

The Chair (Mr. Grant Crack): Technically, you've got 22 seconds, but continue.

Ms. Sukanya Pillay: Okay. I'll be brief, then. Not only do we believe in civil liberties, and proudly, but we also believe very much in security. We look to the government to make sure that we are secure and safe.

However, being secure and safe, and not changing this great country, means that we remain a free and democratic country. Our freedom is something that we have to guard jealously, as our courts have told us—and indeed, the principles on which this country is founded.

I think the minute we start morphing into a sort of police state or surveillance state where we can no longer walk around freely and walk into a courtroom, and enjoy walking into that courtroom to see what it is, we are changing who we are and what we fundamentally believe in.

Open courts go to the heart of a democracy. There is no—

Mr. John Yakabuski: There is nothing closed—

Ms. Sukanya Pillay: There is nothing gained by getting the name of an individual walking in. That does not mean, if the individual walking in would not be subject to security screening—that does not mean, if that individual walking in gives the officer some reason to have an individualized suspicion, that they cannot ask for their information.

What it means is that as a general rule, the public has unfettered and free access to the courts, which goes to the heart of our democracy.

Mr. John Yakabuski: They ask you for your name when you buy a patch cord at Future Shop, and people gladly give it.

Ms. Sukanya Pillay: They don't ask you for your name when you walk into a mall. They don't ask you for your name when you walk into a movie theatre. They don't ask you for your name.

These are critical questions that our citizenship and our government have to take, particularly as we face new security threats. Until something is demonstrated, we need to be careful about the security that we impose. Thank you.

The Chair (Mr. Grant Crack): Thank you very much, Ms. Pillay. That was very informative. We appreciate it. Thanks for taking the time.

CRIMINAL LAWYERS' ASSOCIATION

The Chair (Mr. Grant Crack): We have, from the Criminal Lawyers' Association, Mr. William Thompson as a representative. Welcome, Mr. Thompson.

Mr. William Thompson: Thank you. My name is William Thompson. I'm here this afternoon as a repre-

sentative of the Criminal Lawyers' Association. Thank you for the opportunity to speak with you today.

The Criminal Lawyers' Association has more than 1,200 members across Ontario, making it one of the largest specialty legal organizations in Canada. The association was founded in 1971 and acts as the voice of the criminal defence bar in this province.

The association regularly intervenes in the Court of Appeal and the Supreme Court of Canada to provide its perspective when important criminal justice and civil liberties issues are to be decided.

Our members are keenly interested in Bill 35 because the courthouses of this province are our workplace. It's important to our members, our clients, witnesses and the broader public that courthouses be both safe and open.

We have three main concerns with the proposed legislation. First, the warrantless search powers authorized by the bill go beyond what is reasonably necessary to protect court security and are likely to create a barrier to access. I won't go into detail with this point because, really, it's echoing the submissions that Ms. Pillay just made.

We agree that it may be necessary to have limited searches of all members of the public and their belongings as they enter a courthouse, to ensure that they're not carrying weapons.

However, the powers to require people seeking admittance to a courthouse to identify themselves, to provide unspecified information about themselves to satisfy an officer that they are not a risk, and to have their vehicles—that they're only marginally associated with—subjected to warrantless, suspicionless searches, do not substantially improve safety and are likely to dissuade members of the public, especially those already marginalized, from attending court proceedings. These new powers risk shifting the operating principle from one in which courthouses are presumed to be open to all to one in which members of the public have to justify their presence. This can be seen in the parallel powers under schedule 2 and schedule 3 of the bill, despite courthouses and nuclear facilities being very different places and with very different relationships to the general public.

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The Criminal Lawyers' Association supports the proposed amendments put forward by the Canadian Civil Liberties Association to address this concern.

Second, there is no provision in the bill for a system of prior security clearance for anyone other than judges or justices of the peace. It's of particular importance to our members as defence counsel that there be a reliable, consistent and fair approach to access to courthouses for two reasons. At a principled level, any system that leaves the question of whether to subject defence counsel to searches entirely to the discretion of individual court officers risks harming the appearance that all parties to the justice system stand on an equal footing. A discretionary search power that applies to lawyers will inevitably be applied unequally as between crown and defence counsel, if for no other reason than court officers being more familiar with crown counsel. A system of

prior security clearance is important to avoid that disparity in treatment. At a more practical level, a system of prior clearance improves court efficiency by ensuring that counsel are not unexpectedly caught by time-consuming security procedures.

Our third concern is the absence of a definition for "premises in which court proceedings are conducted." This is important because the phrase provides the geographic limits on the warrantless search powers afforded by this bill. At first blush, the question of where a courthouse begins and ends might seem simple; in practice, it is not. Many courthouses in Ontario are located in space that's shared with other uses, including municipal offices and even commercial space.

Perhaps the gnarliest example is the College Park courthouse here in Toronto. At College Park, the Ontario Court of Justice occupies the second floor of a commercial building that also houses a Winners, two Tim Hortons, a food court, a fancy ballroom, a shopping mall, offices and residential units. If the Legislature's intention is for the extraordinary search powers authorized by this bill to begin when the elevator doors open on the second floor, that needs to be made more clear.

I note that the Manitoba Court Security Act that Ms. Pillay referenced addresses this issue by defining "court area" as "a building, part of a building, or space used by a court and designated by regulation as a court area...." We recommend adopting a similar provision in this bill.

In conclusion, on behalf of the CLA, I ask that you adopt the recommendations of the Canadian Civil Liberties Association to limit the authorized search powers to those necessary for enforcing a ban on weapons, add a provision for a system of prior clearance for officers of the court and, finally, if the more extensive search powers are to remain, to add a clear definition of their geographic scope.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Thompson. That was right on five minutes. Thanks.

We'll move to the government. Mr. Balkissoon.

Mr. Bas Balkissoon: Thank you very much for being here and giving us your input.

The Chair (Mr. Grant Crack): Thank you very much. We'll move to the official opposition. Mr. Yakubuski.

Mr. John Yakubuski: Thank you very much, Mr. Thompson, for joining us this afternoon. I certainly understand your concerns, but I don't agree with them. I do believe that it's a reasonable request. Defence lawyers do represent one part of the justice system, but I don't see why—other than they don't like the fact that they have to be treated, in their minds, differently than the judges. Again, it is a possibility that they'll be asked for this information; it is not an absolute. If you're there representing people often enough, I'm sure there'll be a certain amount of familiarity, but I think the option has to be there.

There could be a lot of things going on in a criminal lawyer's life. They're no different than everybody else. They're subjected to the same challenges in life as everybody else. There could be some challenges there. There

could be some problems. Court security has to deal with them as well. I respect your view, but I believe that the bill has got the issue right. It won't make your people happy all the time, but I think at the end of the day, our system is not going to collapse because you folks might be asked to identify yourselves. But thank you very much for joining us.

Mr. William Thompson: The concern that the Criminal Lawyers' Association has is not so much with the requirement to identify ourselves, because in fact that is exactly what is currently the sort of ad hoc procedure with respect to prior security clearance.

As it presently stands in most courthouses in which there are any security procedures at all at the front door, that procedure can be bypassed by providing a valid law society—

Mr. John Yakabuski: Like a Nexus card.

Mr. William Thompson: Yes, exactly, valid law society identification.

Mr. John Yakabuski: We're not issuing Nexus cards to the criminal defence lawyers.

Mr. William Thompson: The position of the Criminal Lawyers' Association is that, to ensure that the system continues to work, these additional powers that are being created by this bill be subject to some system of prior clearance. I would say that the existing system works just fine. That is that you get exempted from it by demonstrating that you are in fact a valid member of the Law Society of Upper Canada. If that's inadequate for some reason, then some other system of prior security clearance might well be appropriate.

But the important thing is to allow for a reliable, equally applied system that all counsel know is going to be in place in advance so that both the appearance of an equal playing field be continued, and also the practical issue of scheduling it to ensure that—

Mr. John Yakabuski: The crown lawyers are not exempt any more than you are.

Mr. William Thompson: At a practical level, where the—

Mr. John Yakabuski: No, no, no. In the bill, the crown lawyers are not exempted any different than you are. It is only the judges and the justices.

Mr. William Thompson: At a practical level, where the decision to apply these additional powers is left to the discretion of individual court security officers, inevitably—

Mr. John Yakabuski: These personnel, I suspect, are going to be trained. We don't pick them off the street that morning. They don't come in that morning and we say, "You start screening the folks coming in here." They're trained.

Mr. William Thompson: Where the decision is left to the discretion—

Mr. John Yakabuski: You're assuming now somehow that you're going to be treated unfairly versus the crown lawyer, that you as a defence lawyer would be treated differently than a crown lawyer. I don't think you can make that assumption.

Mr. William Thompson: As a practitioner who has been in many courthouses in this province, I can tell you that it is inevitable. Without attributing any ill will to court security officers, because I've always been treated very well by court security officers—

Mr. John Yakabuski: I suspect you will continue to be treated well.

Mr. William Thompson: But the inevitable consequence of defence counsel having practices across the province and appearing in courthouses across the province, versus crown counsel being, generally speaking, associated with a particular courthouse and, therefore, in that one courthouse all the time—that creates a very different relationship with court staff. As a result, if the Legislature leaves the decision about when and where to apply these heightened security screening procedures to the discretion of individual court security officers, inevitably it will be applied unequally between the two parties.

The Chair (Mr. Grant Crack): Thank you very much. I appreciate it. That was double the time.

Mr. Singh.

Mr. Jagmeet Singh: Thank you very much for your insight. I apologize for some of the ignorance that exists in the committee sometimes.

In terms of the courtroom security, just to focus in on the provisions of it which are overly broad and vague—you're familiar, I'm assuming, with the Public Works Protection Act and the civil liberty violations that flowed from that piece of legislation?

Mr. William Thompson: Yes.

Mr. Jagmeet Singh: The exact same problems that the opposition raised, including the Conservatives, about the G20 violations were largely—Justice McMurtry was very clear that the problems lay in the fact that the powers conferred by the legislation were too broad, they were vague, and they were not specific. Those same problems now can be applied to the current piece of legislation. Do you agree with that?

Mr. William Thompson: Many of the concerns do. I guess I would highlight the concern with respect to the geographic ambit of the new powers that are created under this bill; that in terms of the warrantless and suspicionless search of motor vehicles, there's no particular limitation within this bill that associates that with the actual physical location of a courthouse.

Mr. Jagmeet Singh: Put more simply, there were many provisions in the PWPA that were, in fact, unconstitutional, that went against the Constitution, that went against the charter. Similarly, as the CCLA has indicated—I'm asking you if you agree—this law that's proposed is also in some respects unconstitutional. It violates the Charter of Rights, providing arbitrary powers to search and arbitrary powers to demand information.

Mr. William Thompson: There are certain circumstances where I think it would violate the Constitution. Certainly both the Supreme Court and the Ontario Court of Appeal have found questioning to constitute search

and seizure under section 8. So where that is conducted without any reasonable basis or even a suspicion, it could well be found to be in violation of the charter.

Mr. Jagmeet Singh: Potentially, the government is proposing unconstitutional law. They're proposing laws which violate the charter, and this is an opportunity for us to fix those potential problems.

Mr. William Thompson: I think it's very important to fix the problems so that they don't have unconstitutional application.

Mr. Jagmeet Singh: And just to clarify your point on counsel: If the discretion to allow certain members of the bar, certain lawyers to enter a courthouse without any additional requirements, i.e., identity or providing information to assess the risk threat—if there is no clear provision on how to do that, it will be applied differentially between someone who one knows and has a relationship with versus someone whom one has not seen before. That's essentially what you were—

Mr. William Thompson: That's the concern: that when you leave the decision about how to apply these powers to the discretion of the individual officers, inevitably it will be applied differently to different people.

Mr. Jagmeet Singh: And currently, any time a lawyer enters a courthouse, you provide your identification that identifies you as a member of the law society. Often, security officials look at that card and allow you to enter.

Without having a clear protocol as to whether that's acceptable or whether there's an alternative that's perhaps more onerous—but whatever that protocol is, that it apply equally to both crowns and prosecution will provide that appearance of justice in that both parties are being treated fairly and equally—without having that regulated or clearly laid out in this law, it opens a door to potential violations or potential discrimination or potential unfair application of this discretion.

Mr. William Thompson: Yes, and—

The Chair (Mr. Grant Crack): Final comment, quickly.

Mr. William Thompson: —and the need to have that process to be prior to a lawyer arriving at the courthouse steps so that appropriate steps can be taken to ensure that they've complied with whatever requirements are there to gain entry into the courthouse.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Thompson, for coming before the committee.

That does conclude the public hearings portion of Bill 35. I would like to remind members of the committee that amendments are due at the deadline of 6 p.m. this evening. As such, we shall begin clause-by-clause tomorrow morning at 9 a.m.

There's no further business of the committee to conduct this afternoon. This meeting is adjourned.

The committee adjourned at 1443.

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Mardi 9 décembre 2014

Standing Committee on General Government

Security for Courts, Electricity
Generating Facilities and
Nuclear Facilities Act, 2014

Comité permanent des affaires gouvernementales

Loi de 2014 sur la sécurité
des tribunaux, des centrales
électriques et des installations
nucléaires



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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
GENERAL GOVERNMENTCOMITÉ PERMANENT DES
AFFAIRES GOUVERNEMENTALES

Tuesday 9 December 2014

Mardi 9 décembre 2014

*The committee met at 0903 in committee room 2.*SECURITY FOR COURTS, ELECTRICITY
GENERATING FACILITIES
AND NUCLEAR FACILITIES ACT, 2014LOI DE 2014 SUR
LA SÉCURITÉ DES TRIBUNAUX,
DES CENTRALES ÉLECTRIQUES
ET DES INSTALLATIONS NUCLÉAIRES

Consideration of the following bill:

Bill 35, An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2014 / Projet de loi 35, Loi abrogeant la Loi sur la protection des ouvrages publics, modifiant la Loi sur les services policiers en ce qui concerne la sécurité des tribunaux et édictant la Loi de 2014 sur la sécurité des centrales électriques et des installations nucléaires.

The Chair (Mr. Grant Crack): Good morning, everyone.

Interjections.

The Chair (Mr. Grant Crack): We've got some fruitful discussions going on this morning, so I'd like to call the meeting of the Standing Committee on General Government to order. I'd like to welcome everyone this morning: members of the committee, Clerks' office, Hansard, legislative counsel, and of course stakeholders and staff.

I will commence by just going over how we will proceed this morning. We are authorized to meet Tuesday, December 9 from 9 to 10:15 a.m. and from 4 p.m. to 6 p.m. for the purpose of clause-by-clause consideration of the bill. On Tuesday, December 9 at 4 p.m., those amendments which have not yet been moved shall be deemed to have been moved, and the Chair of the committee shall interrupt the proceedings and shall, without further debate or amendment, put every question necessary to dispose of all of the remaining sections of the bill and any amendments thereto. Any division required shall be deferred until all remaining questions have been put and taken in succession, with one 20-minute waiting period allowed, pursuant to standing order 129(a). So, in essence, there can be discussion this morning; at 4 p.m. this afternoon, all motions will be deemed to have been moved.

We are here this morning to do clause-by-clause consideration of Bill 35, An Act to repeal the Public Works Protection Act, amend the Police Services Act with respect to court security and enact the Security for Electricity Generating Facilities and Nuclear Facilities Act, 2014.

Are there any questions or comments prior to commencing clause-by-clause consideration? There being none, we shall move to section 1.

Shall section 1 carry? Carried.

Shall section 2 carry? Carried.

Shall section 3 carry? Carried.

Shall schedule 1, section 1, carry? Carried.

Shall schedule 1, section 2, carry? Carried.

Shall schedule 1 carry? Carried.

We shall move to schedule 2. Schedule 2, section 1: We have an NDP motion. Mr. Singh.

Mr. Jagmeet Singh: Yes, thank you very much. I'll be asking for a recorded vote on the amendments, just beforehand.

The Chair (Mr. Grant Crack): Thank you.

Mr. Jagmeet Singh: I move that paragraph 1 of subsection 138(1) of the Police Services Act, as set out in section 1 of schedule 2 to the bill, be struck out.

The reason being is that this is—

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Mr. Singh.

Mr. Jagmeet Singh: Yes. Thank you very much—sorry. This is the section that requires something that no other province of the nine other provinces and one territory that all have court security, that all care about security in their province, that all have a record of maintaining safe courthouses—none of those other nine provinces and one territory at all require someone to provide information before they get into a courthouse. Respecting that a courthouse should be public, that everyone should be able to have access to it—none of those jurisdictions require you to provide information before you can get into the courthouse.

All the police powers that the police have exist, but this strikes out the requirement to identify yourself by law, that if you don't identify yourself, you'll be removed, and removing the requirement to provide information that could be anything—so to strike those out. That's why that I'm asking to remove that section.

The Chair (Mr. Grant Crack): Okay. Thank you very much. Any further discussion? Mr. Balkissoon.

Mr. Bas Balkissoon: Based on the discussions yesterday and today, this bill repeals the PWPA, and I think the government is looking at balancing security and protecting the public and those who work in our courthouses.

As we stated, and my colleague Mr. Yakabuski also stated, we feel that the bill has all the tools necessary to protect our courts if a situation arises, and it strikes the right balance. I think we can't support Mr. Singh and his motion on this particular one.

The Chair (Mr. Grant Crack): Further discussion? Mr. Yakabuski.

Mr. John Yakabuski: I just want to make it clear that we received these amendments, we appreciate them, and we will be voting against every one of them. So I don't need to talk every time. You've heard enough from me. I think the bill does strike a very good balance, and I want to keep the meeting moving. I will not be speaking to these amendments post this first one, because we will be voting against all the amendments for the reasons that Mr. Balkissoon has said and that I have articulated myself on more than one occasion.

The Chair (Mr. Grant Crack): Thank you, Mr. Yakabuski.

Mr. Singh.

Mr. Jagmeet Singh: I just want to make one more point clear: The Canadian Civil Liberties Association makes it very clear in their submission that these components of this bill are, in fact, unconstitutional. So the government is putting forward unconstitutional laws, laws that require people to violate—or laws that would violate the Charter of Rights and Freedoms in Canada that guarantee us protection from search and seizure—

Interjection.

The Chair (Mr. Grant Crack): Mr. Yakabuski.

Mr. Jagmeet Singh: So this is unconstitutional law that you are passing. I want to make very clear that the NDP will not support unconstitutional laws. That's why we brought forward an amendment to stop these unconstitutional laws.

In addition, I want the record to show that I supported the repeal of the Public Works Protection Act, which is already done in schedule 1. This is schedule 2, which is separate from schedule 1. Schedule 1 repeals the Public Works Protection Act; schedule 2 deals with courthouse security.

In courthouse security, there are some components—there are other parts of this bill that are okay. These specific requirements don't exist in other provinces. They don't use them in other provinces. Why do we need them in this province? We don't. It doesn't make the court more secure. It just allows for the same civil liberties violations that occurred in the G20, the same things that Justice McMurtry said we're not supposed to do—you're doing the exact same things in the courthouse. I just want to make sure that's clear.

The Chair (Mr. Grant Crack): Thank you, Mr. Yakabuski.

Mr. John Yakabuski: I do have to reply to that. I am not a lawyer, but I do know one thing: No one has ruled on the constitutionality of these clauses in the bill. So I think when Mr. Singh says that these are unconstitutional clauses, he's offering opinion and echoing the opinion of the Canadian Civil Liberties Association, but this bill has not—I repeat, not—been subject to a constitutional challenge. So I don't think you should make that statement. That is not a correct statement. It is not shown to be unconstitutional; you believe it is unconstitutional. The people you're representing here in your amendments believe it to be unconstitutional, and if you want to make that point, that's a fair point. But to say that it's unconstitutional is absolutely incorrect. If anyone wants to begin a constitutional challenge to this or any other law, it's their right as a citizen to do so.

I think we should keep this discussion to the facts. There is nothing that has been shown to be unconstitutional in this proposed law.

0910

The Chair (Mr. Grant Crack): Thank you, Mr. Singh?

Mr. Jagmeet Singh: The way it works is that you raise issues on a prima facie level that would violate the charter. If this bill talked about puppies—

Interjection.

Mr. Jagmeet Singh: —puppy dogs and talked about lollipops, then there would not be an argument that it violates the charter. By specifically requiring someone to provide information, it raises the issue that it's unconstitutional.

A court could find that despite the fact that it violates your right to be free from arbitrary search and seizure, which it clearly says—this will be arbitrary search and seizure, it is unconstitutional—the court may find that it's saved by section 1. But the reason why a challenge can be brought in the first place—

Mr. John Yakabuski: I said they could challenge—

Mr. Jagmeet Singh: —is because you would say that this is, by nature, requiring you to arbitrarily be searched.

Mr. John Yakabuski: You “may” be required.

Mr. Jagmeet Singh: It doesn't say “may.” It says “require a person.”

Mr. John Yakabuski: But in the first paragraph—

Mr. Jagmeet Singh: It doesn't say “may,” it says “require.”

Mr. John Yakabuski: —it says may, may, may. In the first paragraph, it says court officers may—

Mr. Jagmeet Singh: When “may” allows a power to exist, it's a language that says this power exists. That's all that “may” means.

Mr. Mike Colle: Point of order.

Mr. John Yakabuski: Okay, I'm done.

The Chair (Mr. Grant Crack): We have a point of order, Mr. Colle.

Mr. Mike Colle: I wonder if we could have a recorded vote on each amendment?

Mr. John Yakabuski: He's already asking.

Mr. Mike Colle: No, he didn't ask on each amendment.

Mr. John Yakabuski: Yes, he did. He's asking for recorded votes—

Mr. Mike Colle: Okay, I just wanted to put that on the record.

I'm not a lawyer like the honourable members in debate here. All I know is, the act reads that a court official may ask a lawyer or someone for an ID. I know the NDP member has already ruled on the constitutionality of asking for ID, but I think that's up to the courts to decide, if it's ever challenged—that asking someone for ID is unconstitutional. From an ordinary citizen's perspective, if they want safety in their courts, and if a court official asks a lawyer for ID, I don't think the average person sees that as infringement on anybody's rights, to ask for ID, for God's sake. That's all I have to say—as an ordinary citizen, not as a lawyer.

The Chair (Mr. Grant Crack): Thank you very much. Mr. Singh?

Mr. Jagmeet Singh: Funnily, lawyers are happy to provide ID. It's actually not about lawyers. Lawyers always provide their law society ID—

Mr. Mike Colle: It's always about lawyers.

Mr. Jagmeet Singh: It's really interesting that members of the committee pay great attention to this, all the testimony that's provided in deputation.

Lawyers are happy to provide their identification. By providing their identification, it allows them often to bypass a line, so it's actually not at all, Mr. Colle, about lawyers providing their ID. Lawyers don't mind that.

The issue is that for the public to have access to the court, which is the entire deposition of what the Canadian Civil Liberties Association said—which you clearly didn't pay any attention to—they spoke entirely about the public access to courts, and the fact that the public might be deterred from going to a court if they're required arbitrarily to provide information without any narrowing of what that information is, generally. If people are required to have to identify themselves to go into a courthouse, that would have a chilling effect. It would have a deterring effect on people going into a public space.

Mr. Mike Colle: Yet it's only the lawyers that are complaining.

Mr. Jagmeet Singh: I'll give you a chance to speak when you're ready.

Mr. Mike Colle: Give me an ordinary citizen's complaint.

The Chair (Mr. Grant Crack): Mr. Colle, Mr. Singh has the floor.

Mr. Jagmeet Singh: The Canadian Civil Liberties Association exists for the protection of civil liberties for all people. They happen to be lawyers because they know the law, but they're speaking out about the civil liberties of all people. They're a group that's interested in the public and their issues were not about lawyers.

The Criminal Lawyers' Association did raise issues about lawyers having equal access to the courthouse. Their issue was, whatever the process may be, whether

it's for the prosecutors—it should be equally applied to defence and vice versa. That was their issue. There is not an issue about lawyers being upset about ID; this is about the public feeling that they're unable to access a public space. So I'm sure that's clear.

The other thing is that we have an opportunity now, before a law is crafted, of having legal experts come in and talk about potential problems with the law. This would be the time that it would make sense to actually correct it, versus saying, "Oh, we'll just put whatever forward, and then if it gets challenged, it gets challenged." That's pretty dumb, as a strategy to pass laws. You would think we would look at the legal experts' opinions and then craft laws that don't open us up to problems in the future. That, I would think, would be a logical way to proceed.

Mr. John Yakabuski: Chair, I have a question.

The Chair (Mr. Grant Crack): Mr. Singh has the floor.

Mr. Jagmeet Singh: I'm done. Thank you.

The Chair (Mr. Grant Crack): Okay. Any further discussion?

Mr. Bas Balkissoon: Mr. Chair, I'd just offer one comment.

The Chair (Mr. Grant Crack): Mr. Balkissoon.

Mr. Bas Balkissoon: I respect Mr. Singh and I know he's a lawyer, but I think the manner in which he's speaking, based on this piece of legislation—it is prepared by lawyers in our ministry. It is reviewed by lawyers all over our government. He seems to have one opinion, and we have a different opinion. And you know what? In my entire life, I've never met a whole bunch of lawyers who agree. So let's vote.

Mr. Mike Colle: They make money on disagreements.

Mr. Bas Balkissoon: That's right.

The Chair (Mr. Grant Crack): Okay. Thank you very much. Mr. Singh had requested a recorded vote on amendment number 1. I assume that he meant on all NDP motions. Mr. Colle has confirmed that by requesting, so we will be able to proceed on each amendment with a recorded vote. I shall call for the question at this point.

Ayes

Singh.

Nays

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion 2: Mr. Singh.

Mr. Jagmeet Singh: I move that subparagraph 2 ii of subsection 138(1) of the Police Services Act, as set out in section 1 of schedule 2 to the bill, be amended by striking out "or in which the person is a passenger".

This is the portion of the bill that would allow a warrantless search of a car that you are a passenger in. You're not even driving the car but you're a passenger in that car and then, presumably without any reasonable grounds, without a warrant, that car could be searched. It's clearly offensive to the charter. It's clearly something that makes no sense. If there were reasonable grounds to search it, sure, but just to arbitrarily say you could search any car that a person was driving or was a passenger in is clearly offensive to the idea of civil liberties.

Mr. John Yakabuski: Call the question.

The Chair (Mr. Grant Crack): Thank you very much. Further discussion?

Prior to me calling the question, just for Hansard purposes, once the motion has been moved, please allow the Chair to ask for further discussion so that we can get some clarity between the end of the motion and the discussion.

Ayes

Singh.

Nays

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion 3: Mr. Singh.

Mr. Jagmeet Singh: I move that paragraph 2 of subsection 138(1) of the Police Services Act, as set out in section 1 of schedule 2 to the bill, be amended by adding "and" at the end of paragraph i and by striking out subparagraph ii.

The Chair (Mr. Grant Crack): Just for clarification, it's at the end of "paragraph," I believe you said. For the record, could you correct that?

Mr. Jagmeet Singh: At the end of subparagraph ii.

The Chair (Mr. Grant Crack): It's subparagraph i.

Mr. Jagmeet Singh: Sorry—at the end of subparagraph i and by striking out subparagraph ii.

The Chair (Mr. Grant Crack): Thank you very much. Any further discussion?

Mr. Jagmeet Singh: Yes.

The Chair (Mr. Grant Crack): Mr. Singh.

Mr. Jagmeet Singh: Just to make it clear again, these are searches that are without a warrant. These are powers that are far beyond what is necessary. They are powers that infringe on civil liberties, and the major issue is that they're arbitrary.

If there were reasonable grounds, it would make sense—or if there was some evidence upon which someone needed to do a search. There's a great deal of case law that talks about when police officers can search, when they can detain and when they can do so without a warrant, particularly when it comes to searches. This basically dismisses all that case law and moves right to

warrantless searches, which is clearly contrary to civil liberties and clearly contrary to fairness and justice.

0920

The Chair (Mr. Grant Crack): Thank you, Mr. Singh. Any further discussion?

There being none, those in favour of NDP motion number 3?

Ayes

Singh.

Nays

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion number 4: Mr. Singh.

Mr. Jagmeet Singh: I move that subparagraph 4 i of subsection 138(1) of the Police Services Act, as set out in section 1 of schedule 2 to the bill, be struck out and the following substituted:

"i. if the person refuses to submit to a search under paragraph 2,"

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Mr. Singh.

Mr. Jagmeet Singh: This would be a subsequent change that would flow from the previous, if they had been passed, to ensure that we limit the powers to strictly—if someone doesn't allow them to be searched on the way into a courthouse, that should certainly be grounds to remove someone. That should certainly be grounds to not allow someone to enter a courthouse, if they don't submit to a search while entering. But the other issues that I've raised are unfair and unjust measures that go beyond the scope of the powers that should be allowed in the court security circumstance or context. That's that.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Singh.

Further discussion?

I shall call the question. Those in favour of NDP motion number 4?

Ayes

Singh.

Nays

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion number 5: Mr. Singh.

Mr. Jagmeet Singh: I move that subparagraph 5 i of subsection 138(1) of the Police Services Act, as set out in section 1 of schedule 2 to the bill, be struck out and the following substituted:

“i. if the person refuses to submit to a search under paragraph 2,”

The Chair (Mr. Grant Crack): Thank you very much. Further discussion? Mr. Singh.

Mr. Jagmeet Singh: It's the same rationale as before. I'll have more comments for the next motion, but essentially this is an opportunity to fix something before, down the road, there are all sorts of violations that occur and then we look back and say, “Why did these parliamentarians pass this unfair law that provides vague and broad powers?” the same criticism that Justice McMurtry had for the PWPA, and then we'll point to all the people in this room who voted against amendments that would have made it better.

The Chair (Mr. Grant Crack): Further discussion? There being none, those in favour of NDP motion number 5?

Ayes

Singh.

Nays

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion number 6. Mr. Singh, enjoy the read.

Mr. Jagmeet Singh: All right. In the interest of civil liberties, I move that subsection 138(1) of the Police Services Act, as set out in section 1 of schedule 2 to the bill, be struck out and the following substituted:

“Powers of a person providing court security

“(1) A person who is authorized by a board to act in relation to the board's responsibilities under subsection 137(1) or who is authorized by the commissioner to act in relation to the Ontario Provincial Police's responsibilities under subsection 137(2) may exercise the following powers if it is reasonable to do so for the purpose of fulfilling those responsibilities:

“1. Require a person who is entering or attempting to enter premises where court proceedings are conducted or who is on such premises to submit to a security screening under paragraph 3.

“2. If there is reason to believe that a person in premises where court proceedings are conducted is in possession of a weapon, require the person to return to the area where security screenings are conducted and submit to a security screening under paragraph 3.

“3. If a person submits to a security screening, search, without warrant, the person and any property in the cus-

tody or care of the person for the purpose of locating any weapons in the person's possession.

“4. Search, without warrant, using reasonable force if necessary,

“i. a person in custody who is on premises where court proceedings are conducted or is being transported to or from such premises, and

“ii. any property in the custody or care of the person.

“5. Refuse to allow a person to enter premises where court proceedings are conducted, and use reasonable force if necessary to prevent the person's entry,

“i. if the person refuses to submit to a security screening after being directed to do so under paragraph 1 or 2,

“ii. if there is reason to believe that the person possesses a weapon and is not authorized by the regulations or by a security officer to possess the weapon on premises where court proceedings are conducted, or

“iii. for any other reason relating to the fulfilment of the board's responsibilities under subsection 137(1) or the Ontario Provincial Police's responsibilities under subsection 137(2).

“6. Demand that a person immediately leave premises where court proceedings are conducted, and use reasonable force if necessary to remove the person,

“i. if the person refuses to submit to a security screening after being directed to do so under paragraph 1 or 2,

“ii. if there is reason to believe that the person possesses a weapon and is not authorized by the regulations or by a security officer to possess the weapon on premises where court proceedings are scheduled, or

“iii. for any other reason relating to the fulfilment of the board's responsibilities under subsection 137(1) or the Ontario Provincial Police's responsibilities under subsection 137(2).”

The Chair (Mr. Grant Crack): For clarification, number 6 ii: I believe you said the wrong word.

Mr. Jagmeet Singh: I should read it again, then: “iii. for any other reasons relating to the fulfillment of the board's responsibilities under subsection 137(1) or the Ontario—”

The Chair (Mr. Grant Crack): No, number 6 ii: “if there is any reason to believe”. I can't recall the word, but the word you used is not “conducted.” I think you'd want to—

Mr. Jagmeet Singh: Sure. I'll read it again: “if there is reason to believe that the person possesses a weapon and is not authorized by the regulations or by a security officer to possess the weapon on premises where court proceedings are conducted”.

The Chair (Mr. Grant Crack): Thank you. Any further discussion?

Mr. Jagmeet Singh: This is a rewrite or modification of the way the current bill is written. It allows for all sorts of powers of search. It allows for all sorts of abilities to screen people for a limited purpose of ensuring that weapons don't get into a courthouse. That's exactly what goes on now. In a courthouse, you can be wanded down; you can put your bag on a conveyor belt and that bag is searched for its contents with an X-ray machine; you

walk through a metal detector that can search for any weapons, the purpose being that in a courthouse, you don't want weapons.

In this specific circumstance, when you're entering a courthouse, the Supreme Court of Canada has made it clear that that type of warrantless search is appropriate. Entering a courthouse, because of the security concerns, you are allowed to search someone without a warrant and it can be arbitrary. That is something that we've agreed upon; the court of this land has agreed upon it. So allowing all sorts of powers to screen someone for a weapon is appropriate, is just and is not contrary to the interests of justice.

This is what our power should be limited to. Someone going into the courthouse shouldn't bring a weapon that could hurt other people, but beyond that, there is no reason to be doing anything further. If by chance something does occur where there is an additional investigation required, the powers of the police exist. The reason why it's so important not to put those extra powers in legislation is because the powers of the police are developed over years and years with case law. That case law defines what is the scope of their powers, what is appropriate and what is not appropriate. Cases have been tested. Judges have made decisions. This all allows for us to make sure that decisions made in terms of what investigation is done, what detention flows from an investigation and what searches flow from any sort of investigation are done in an appropriate manner.

This is how we limit the powers of the police so that people aren't mistreated. This is how we address issues that we've seen when police powers go unfettered. When there aren't proper checks and balances, we see the situations that occur in the States. We could prevent the potential of that happening here in our courthouses if we ensure that the laws that we craft are very specific to protecting people from weapons.

It goes into great detail about the various ways in which people can be searched, but it doesn't require people to have to provide information about themselves. It doesn't require people to have to identify themselves. For the purpose of court security, identity and information are not necessary.

Now, just to reiterate, if a person is acting in a manner which is some way suspicious, if there are reasonable grounds to then conduct a further investigation, the police always have those powers. They're not stopped just because someone is in a courthouse. Those police powers exist in a courthouse, outside of a courthouse, in a park, in a playground, in a mall. They exist everywhere. There is no reason to add extra powers that have no jurisprudence that don't have any case law to define what they are. That's the main issue here.

0930

The Chair (Mr. Grant Crack): Thank you very much, Mr. Singh.

Further discussion? There being none, I shall call the question.

Ayes

Singh.

Nays

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion number 7. Mr. Singh.

Mr. Jagmeet Singh: I move that subclause 138(2)(a) of the Police Services Act, as set out in section 1 of schedule 2 to the bill, be struck out.

The Chair (Mr. Grant Crack): Further discussion? Mr. Singh.

Mr. Jagmeet Singh: Yes, sir. Again, I guess this is another opportunity for us to ensure that a law that we pass is constitutional, doesn't open itself up to a constitutional challenge, doesn't open itself up to future problems. We can correct it now instead of, down the road, having to look at it again and say, "Okay, we made a mistake." I implore you all to reconsider what you're doing.

The Chair (Mr. Grant Crack): Any further discussion? I shall call the question.

Ayes

Singh.

Nays

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): The motion is defeated.

We shall move to NDP motion number 8. I would ask Mr. Singh if he would still be interested in moving it as it will be out of order because it would be dependent on NDP motion number 6 passing, which was recently lost.

Mr. Jagmeet Singh: Right, right. If it's out of order, I don't think it's appropriate to move it.

The Chair (Mr. Grant Crack): You will withdraw?

Mr. Jagmeet Singh: Right. I will withdraw.

The Chair (Mr. Grant Crack): Okay. So NDP motion number 8 is withdrawn?

Mr. Jagmeet Singh: Yes.

The Chair (Mr. Grant Crack): We shall move to NDP motion number 9. Mr. Singh.

Mr. Jagmeet Singh: I move that clause 139(1)(a) of the Police Services Act, as set out in section 1 of schedule 2 to the bill, be struck out.

The Chair (Mr. Grant Crack): Any further discussion? Mr. Singh.

Mr. Jagmeet Singh: This would remove the offence if a person didn't identify themselves in trying to enter a

courthouse—it would remove that as an offence. Right now, as it stands, you try to go to a courthouse, you don't want to identify yourself, you still subject yourself to a search, you're wanded, there's no weapons on you, you're asked to identify yourself, and you don't—this makes it an offence to not identify yourself. This would strike that out so it's not an offence. Much like it's not an offence to not identify yourself if you go to a park, much like it's not an offence if you don't want to identify yourself if you go to a mall, it shouldn't be an offence to not identify yourself to go into a courthouse. Making it an offence to go to a courthouse essentially makes it no longer a space that is a public space that is encouraging for people to attend; it's a bad thing to do. Don't vote—I mean vote with me.

The Chair (Mr. Grant Crack): Any further discussion? I shall call the question.

Ayes

Singh.

Nays

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): The motion is defeated.

Similar to motion number 8, I would ask Mr. Singh if he would wish to move NDP motion number 10 as I will be calling it out of order as it was dependent on motion number 6 passing, which was lost.

Ms. Ann Hoggarth: Point of order.

The Chair (Mr. Grant Crack): Point of order, Ms. Hoggarth.

Ms. Ann Hoggarth: I didn't think you could withdraw something if it was out of order. You have to put it in the record that it's out of order.

The Chair (Mr. Grant Crack): I'm just giving him the option. I can't withdraw; he can withdraw. Again, it's an option that I'm presenting. Technically, it's not a withdrawal, but he's not moving it. I'm just giving him the option.

If you would like to read it, you're more than welcome to read it, but I would rule on it after.

Mr. Jagmeet Singh: Certainly. There are certain motions that were connected upon previous motions that would have all had to follow together, and so this is one of those motions that flowed from a previous amendment, and if that amendment is not passed, then this amendment essentially doesn't work without that other amendment being passed.

I fully support it and believe in it, but I don't want to move it at this time because the other amendment has been defeated.

The Chair (Mr. Grant Crack): Well said. Thank you very much, Mr. Singh.

We shall move to NDP motion number 11. Mr. Singh.

Mr. John Yakabuski: You're hoping this one will fly, too.

The Chair (Mr. Grant Crack): Good luck.

Mr. Jagmeet Singh: Thank you so much.

I move that section 1 of schedule 2 to the bill be struck out and the following substituted:

“(1) Part X of the Police Services Act is amended by adding the following sections:

““Weapons prohibited

“138. No person shall possess a weapon on premises where court proceedings are conducted unless authorized to do so by the regulation or by a security officer.

““Screening before entry

“139. (1) A security officer may screen a person for weapons before the person enters premises where court proceedings are conducted.

““Refusal of entry

“(2) A security officer may refuse a person entry to premises where court proceedings are conducted if the person,

“(a) refuses to be screened for weapons; or

“(b) has possession of a weapon and the possession is not authorized by the regulations or by a security officer or is in violation of any prescribed terms or conditions.

““Screening after entry

“140. (1) A security officer may require a person on premises where court proceedings are conducted to move to a place, on those premises or elsewhere, where screening is routinely conducted and may screen the person for weapons.

““Eviction

“(2) A security officer may evict a person from premises where court proceedings are conducted if the person,

“(a) refuses to be screened for weapons; or

“(b) has possession of a weapon and the possession is not authorized by the regulations or by a security officer or is in violation of any prescribed terms or conditions.

““Screening to be minimally intrusive”—this is a good one.

“141. The screening of persons under this part shall be conducted in a minimally intrusive manner.

““Reasonable force

“142. A security officer may use reasonable force in refusing a person entry to premises where court proceedings are conducted, or in evicting a person from premises where court proceedings are conducted, if the security officer first provides a reasonable opportunity for the person to leave.

““Accommodation

“143. If a security officer exercises a power under this part with respect to other persons, he or she shall ensure that those persons are accommodated in accordance with the Canadian Charter of Rights and Freedoms and the Human Rights Code, and this includes accommodation in connection with creed or disability.

““Offences

“144. (1) A person is guilty of an offence if the person,

“(a) possesses a weapon on premises where court proceedings are conducted and the possession is not authorized by the regulations or by a security officer;

“(b) enters premises where court proceedings are conducted after a security officer has refused the person entry to those premises;

“(c) enters premises where court proceedings are conducted after refusing to be screened for weapons by a security officer; or

“(d) refuses to leave premises where court proceedings are conducted when asked to do so by a security officer.

“Penalty

“(2) A person who is convicted of an offence under this section is liable to a fine of not more than \$2,000 or to imprisonment for a term of not more than 60 days, or to both.

“No derogation

“Re judicial powers

“145. (1) Nothing in this part derogates from or replaces the power of a judge or judicial officer to control court proceedings, or to have unimpeded access to premises where court proceedings are conducted.

“Re powers of persons providing court security

“(2) Nothing in this part derogates from or replaces any powers that a security officer otherwise has under the law.

“Privilege preserved

“(3) Nothing in this part shall operate as to require the disclosure of information that is subject to solicitor-client privilege, litigation privilege or settlement privilege, or permit the review of documents containing such information.

“Regulations, court security

“146. (1) The Lieutenant Governor in Council may make regulations,

“(a) governing the authorization of persons to possess weapons on premises where court proceedings are conducted, including specifying such persons and establishing criteria, such as training requirements and other qualifications, that such persons must meet;

“(b) respecting the weapons that authorized persons may possess on premises where court proceedings are conducted, including the terms and conditions on which they may possess those weapons;

“(c) governing the search methods that may be used by security officers to screen persons for weapons, including imposing limitations, conditions and restrictions on the power to conduct searches;

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“(d) governing the accommodation of persons in accordance with the Canadian Charter of Rights and Freedoms and the Human Rights Code;

“(e) governing the expedited access by persons who provide identification indicating that they are legal counsel or paralegals to premises where court proceedings are conducted, including providing that one or more provisions of this part do not apply, or apply with specified modifications, in respect of such persons.

“Same

“(2) A regulation made under subsection (1) may be general or particular in its application.

“Review of part and regulations

“147. A committee of the Legislative Assembly shall begin a review of this part and any regulations made under section 146 no later than two years from the date on which section 1 of schedule 2 to the Security for Courts, Electricity Generating Facilities and Nuclear Facilities Act, 2014 comes into force, and shall, no later than one year after beginning that review, make recommendations to the assembly concerning amendments to this part and the regulations.

“Definitions

“148. In this part,

““premises where court proceedings are conducted” means a building or part of a building used by a court for the purposes of conducting court proceedings;

““screen” means to screen in accordance with this part and the prescribed methods;

““security officer” means a person who is authorized by a board to act in relation to the board’s responsibilities under subsection 137(1) or who is authorized by the commissioner to act in relation to the Ontario Provincial Police’s responsibilities under subsection 137(2);

““weapon” means a weapon as defined in the Criminal Code (Canada).”

The Chair (Mr. Grant Crack): Thank you very much, Mr. Singh. I think there are three points of clarification. If we go to the first page on 138, I believe you said “regulation.” I believe you might want to say “regulations”; I don’t want to put words in your mouth.

Mr. Jagmeet Singh: Sure, yes, “regulations.” Thank you.

The Chair (Mr. Grant Crack): “Regulations” it is. Thank you.

It would be 145, number 3: “Nothing in this part shall operate”—I believe you had missed a word, which was “so,” so maybe you could just—

Mr. Jagmeet Singh: Yes. Please enter the word “so.”

The Chair (Mr. Grant Crack): Okay. So “Nothing in this part shall operate so as to require....” Thank you very much.

Mr. Jagmeet Singh: Thank you.

The Chair (Mr. Grant Crack): Then on the last page, under 148, “screen” means to—I believe you had said “screen,” but I believe you meant “search.”

Mr. Jagmeet Singh: “Search.” Yes. Thank you.

The Chair (Mr. Grant Crack): So we’ll clarify that it would be “search.”

Any further discussion on the motion?

Mr. Jagmeet Singh: Yes, please. This was alluded to by both the Canadian Civil Liberties Association, as well as the Criminal Lawyers’ Association. This is borrowing many of the elements—essentially all of the elements—from the Manitoba Court Security Act, which is a court security act that’s implemented in Manitoba. It’s an act that exists. It has been in existence for some time. There haven’t been any issues in Manitoba in terms of court

security. This is something that they did before us. So Ontario doesn't have a court security act; we're enacting one now. Manitoba has already had one.

This act has actually gone to the Supreme Court of Canada. It has been challenged and has been defended, or has been successfully maintained, in the Supreme Court of Canada. This is an example of legislation that is thoughtful, that is complete, that has been tested, that works.

We have legislation that we're proposing, or the Liberals are proposing, which has not been tested, which has never existed before. We're borrowing from legislation that has been implemented, that is actually working in another province.

This legislation offers, again, all sorts of very exhaustive means by which you can search someone entering a courthouse—a very thorough manner to search someone—but none of these search provisions require you to identify yourself or to provide information about yourself. This is, again, one of the nine other jurisdictions that have a court security act which does not require you to have to provide information before you get to go into a courthouse.

In addition, it specifies very clearly the boundaries of these powers. One of the issues that was raised yesterday was that the current law, as the Liberals have written it, creates an unclear zone of what a court is actually defined as. The problem with that, which was brought up yesterday, is that there are courthouses that are often in shared spaces. There might be other provincial or municipal offices in the same building as the courthouse.

I quote my colleague from yesterday: The “gnarliest” example would be College Park, which is a courthouse collected on a second floor of a building on the corner of Yonge and College. In that same building, there are a number of retail locations. There is a food court. There is a Tim Hortons. Above it, there is a lovely event space. Without having a clearly defined definition of what the premises are, the powers that are extended in this Liberal-proposed piece of legislation could apply to the entire building, could apply to folks who are in the food court, could apply to folks who are wherever in that building, unless you define very clearly what that boundary is.

This proposed amendment, amendment 11, would clearly define where the court boundary ends and begins, and what the definition of “premises” is. It would narrow the scope of the Court Security Act to specifically deal with court security. It would not violate some of our charter-protected rights of being free from unreasonable search and seizure.

This bill has been tested by the Supreme Court of Canada and has been found to be constitutional. It has been challenged and found to be appropriate. So we have legislation that we know works, that we know is appropriate, that we know the Supreme Court of Canada has ruled on.

The legislation that the Liberals are proposing has not been tested in that same manner, so why not benefit from

legislation that works? Why not benefit from jurisprudence that has already been established?

That's why I'm suggesting this amendment. It would protect our civil liberties in a real way. It would respect the recommendations of both the Canadian Civil Liberties Association and the Criminal Lawyers' Association, and in fact the 2012 recommendations by the Ontario Bar Association when it comes to, specifically, the civil liberties aspect. Recognizing the expertise of these individuals and these groups, this amendment would satisfy all their concerns. They specifically refer to the Manitoba Court Security Act as being a strong piece of legislation. These are essentially those elements incorporated into this amendment.

The Chair (Mr. Grant Crack): Thank you very much, Mr. Singh. Any further discussion?

There being none, I shall call the question. Shall NDP motion 11 carry?

Ayes

Singh.

Nays

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): NDP motion 11 is defeated.

Shall schedule 2, section 1, carry? Those in favour?

Mr. Jagmeet Singh: Recorded vote.

The Chair (Mr. Grant Crack): I think we've asked for a recorded vote—oh, those were just on the motions. A recorded vote?

Mr. Jagmeet Singh: Yes, on all the next.

The Chair (Mr. Grant Crack): On all the next?

Mr. Jagmeet Singh: Yes.

The Chair (Mr. Grant Crack): Okay, thank you very much.

Shall schedule 2, section 1, carry? There has been a request for a recorded vote.

Ayes

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

Nays

Singh.

The Chair (Mr. Grant Crack): The motion is carried.

Mr. John Yakabuski: Can we do the same votes?

The Chair (Mr. Grant Crack): Shall schedule 2 carry?

Interjections.

The Chair (Mr. Grant Crack): Are you requesting a recorded vote?

Interjections.

The Chair (Mr. Grant Crack): Sorry. Shall schedule 2, section 2, carry? There has been a request for a recorded vote. Those in favour?

Mr. Mike Colle: Same recorded vote.

The Chair (Mr. Grant Crack): It's a recorded—can you do the same?

Mr. Mike Colle: We can say "same recorded vote."

Interjection.

The Chair (Mr. Grant Crack): Okay. Is there agreement of the committee to have the same recorded vote?

Interjection: Yes.

Mr. Jagmeet Singh: Sure.

The Chair (Mr. Grant Crack): All right. Shall schedule 2, section 2, carry? It's the same recorded vote as the previous vote. Carried.

Shall schedule 2 carry?

Interjections.

The Chair (Mr. Grant Crack): Same recorded vote. Carried.

To the members of the committee: Schedule 3 has, I believe, nine sections. Would the committee wish to lump all schedule 3 sections?

Interjection: Yes.

The Chair (Mr. Grant Crack): We have agreement that we shall lump schedule 3, sections 1, 2, 3, 4, 5, 6, 7, 8 and 9. Shall those sections carry?

Interjections.

The Chair (Mr. Grant Crack): Same recorded vote.

Mr. Jagmeet Singh: This one I'm in support of.

The Chair (Mr. Grant Crack): I shall put the question: Those in favour of schedule 3, sections 1 through 9?

Ayes

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Singh, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): Schedule 3, sections 1 through 9, is carried.

Mr. Jagmeet Singh: Just one comment on the record.

The Chair (Mr. Grant Crack): Mr. Singh.

Mr. Jagmeet Singh: For schedule 3—this is the security for electricity generating facilities and nuclear facilities—there isn't the same public interest in having an open space. There isn't a similar open electricity generating facility principle as there is an open court principle. So for schedule 3—

Mr. Mike Colle: We're in the middle of a vote.

The Chair (Mr. Grant Crack): Not yet.

Mr. Jagmeet Singh: For schedule 3, I have no issue with the provisions of security. I have no issues with the requesting of information, and the NDP has no issue with the enhanced security for our electricity generating facilities. Again, the public doesn't have the same level of interest in accessing those facilities in an open manner, and having these additional requirements, (1) is not contrary to the public interest of being able to access them, and (2) because there isn't a public interest in accessing them,

the same constitutional arguments perhaps wouldn't be as strong given that a court has the open-court principle.

The Chair (Mr. Grant Crack): Thank you, Mr. Singh. We shall move to schedule 3 in its entirety. Shall schedule 3 carry?

Interjection: Recorded vote.

The Chair (Mr. Grant Crack): I believe earlier we had a request from Mr. Singh, and from Mr. Colle following, to have recorded votes, so I'm going to try to honour that. There are only a few left. Those in favour of schedule 3 carrying?

Ayes

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Singh, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): Schedule 3 is carried. Shall the title of the bill carry?

Interjections: Carried.

The Chair (Mr. Grant Crack): Let's do the recorded votes.

Ayes

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Singh, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): There are none opposed, so the title of the bill is carried.

Shall Bill 35 carry?

Ayes

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): Bill 35 is carried. Shall I report the bill to the House?

Ayes

Balkissoon, Colle, Dickson, Hoggarth, Kiwala, Yakabuski, Yurek.

The Chair (Mr. Grant Crack): The motion is carried. I shall report the bill to the House.

I'd like to thank all members of the committee—

Mr. John Yakabuski: So we're not coming back at 4 o'clock then?

The Chair (Mr. Grant Crack): Mr. Yakabuski has requested whether or not we'll be back at 4.

Mr. John Yakabuski: I haven't requested; I've asked.

The Chair (Mr. Grant Crack): All the committee business with reference to clause-by-clause consideration is now complete, so there will be no need to reconvene at 4 p.m.

I'd like to thank all members for their good work here this morning, and we shall see you soon. Thank you very much. This meeting is adjourned.

The committee adjourned at 0954.

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